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# ***THE DAILY NEWS DIGEST***

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June 22, 2010

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## ARTICLES

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### DAILY NEWS DIGEST

June 22, 2010

#### Section I: Texas Air

##### **How Tighter EPA Rules Will Affect Texas**

Texas Tribune, 06/22/10

*Summary: After three high-profile takeovers of permitting at three large Texas industrial plants, the Environmental Protection Agency has raised the hackles of state politicians and brought criticism of undue meddling that will cost the state's economy jobs. That fight continues, with the federal agency scheduled to make a final decision on June 30 on the state's controversial system of "flexible" permitting. But it's hardly the only recent move by regulators to impose new environmental restrictions that will affect Texans.*

##### **EPA crackdown on Texas air quality process leaves Crossroads up in the air**

Victoria Advocate, 06/21/10

*Summary: The Environmental Protection Agency stopped last month a Texas agency from giving an operating permit to a Corpus Christi oil refinery. It was the first action the agency took to get Texas plants and oil refineries to meet federal air quality requirements, said Dave Bary, a spokesman for the federal agency. So just how will this affect Texas and the Crossroads? The answer is still up in the air, experts say.*

##### **Ascot: The EPA should stir things up to bring fresh air to Texas**

Austin American-Statesman, 06/21/10

*Summary: Judge Roy Bean, the "Law West of the Pecos," a despot who hanged people at will, was defeated in an 1896 election. Considering the doubling of asthma rates in Texas and the estimated several hundred deaths annually from air pollution, Gov. Rick Perry's railing against clean air reminds me of Bean's lawlessness. The federal Clean Air Act was law in 1971 and is still the law. Perry and the Texas Commission on Environmental Quality need to stop fighting the law and start protecting public health. Perry is attacking two U.S. Environmental Protection Agency programs: 1) new, more protective, health science-based air quality standards; and 2) the unraveling of TCEQ's "flexible permitting" program, which has allowed oil refineries and coal plants to violate the Clean Air Act for years.*

##### **Toxic emissions at Fort Worth sites likely because of faulty equipment, state agency says**

Fort Worth Star-Telegram, 06/21/10

*Summary: Elevated levels of toxic emissions found this spring near gas drilling equipment at two locations in the Fort Worth area were likely due to equipment problems that have been fixed, according to state officials. The Texas Commission on Environmental Quality released results Monday of air testing performed June 3 and 4 that showed that toxic levels in the air near the sites decreased, according to agency officials.*

## **Air-quality restrictions: Tougher controls could bring changes to El Paso region**

El Paso Times, 06/20/10

*Summary: Tighter air-quality standards proposed to provide cleaner, healthier air could mean lifestyle changes for El Paso residents and increased costs for some businesses. Freeway lanes reserved for car-poolers, a ban on gasoline-powered lawn mowers and periodic no-burn days when barbecues and fireplaces are off-limits would help reduce El Paso's smog, city officials said. And some businesses probably would have to invest more in pollution controls, they said. Driving the discussion is U.S. Environmental Protection Agency proposal to lower the ground-level ozone standard from 75 parts per billion to between 60 and 70 ppb. A decision is expected in August.*

## **State of Texas challenges EPA ruling threatening jobs**

MySouTex, 06/19/10

*Summary: Texas Attorney General Greg Abbott filed a legal challenge Monday to the U.S. Environmental Protection Agency's decision to disapprove the state's qualified facilities program. The state's petition for reconsideration was filed with the U.S. Court of Appeals for the Fifth Circuit in New Orleans. In 1995, the Texas Legislature passed a law that was intended to streamline a time-consuming regulatory process by allowing certain qualifying facilities to implement physical and operational changes to their sites without having to undergo additional regulatory processes – provided the facilities' changes neither increase emissions nor result in the release of new contaminants.*

## **Section II: Oil Spill**

### **A Tale of Two Disasters**

Wall Street Journal, 06/22/10

*Summary: In many respects, the Deepwater Horizon disaster and Katrina are mirror images of each other. The harm from Katrina was on state land—mainly Louisiana, but also Florida, Alabama and Mississippi. As a result, President George W. Bush and the federal government were limited in what they could do. For example, Homeland Security Secretary Michael Chertoff wanted to take command of disaster relief on the day before landfall, but Louisiana Gov. Kathleen Blanco refused. Federal response was hindered because the law gave first authority to state and local authorities.*

### **Democrats broaden attacks over Joe Barton's apology to BP**

Dallas Morning News, 06/22/10

*Summary: Democrats are broadening their attacks over Rep. Joe Barton's much-maligned – and retracted – apology to the chief executive of BP, arguing that he represents fellow Republican lawmakers on the issue. A new national ad from the Democratic Party titled "Stop Apologizing" began airing Monday. And the House Democrats' campaign arm began targeting more than 30 colleagues who have received campaign donations from the Arlington Republican.*

### **Hayward's stand-in heckled at London oil meeting**

AP, 06/22/10

*Summary: The owner of the broken Deepwater Horizon rig spewing oil into the Gulf of Mexico criticized President Barack Obama's six-month ban on deepwater drilling and a BP executive was heckled today at a major oil conference. The massive oil slick in the Gulf dominated discussions at the World National Oil Companies Congress. Transocean Ltd. president and CEO Steven Newman said he was concerned about a moratorium imposed by Obama, which is currently being reviewed by a U.S. federal judge.*

## **Gulf rig owner criticizes Obama's drilling halt**

AP, 06/22/10

*Summary: The owner of the drilling rig involved in the massive oil spill in the Gulf of Mexico criticized the U.S. government's six-month ban on deepwater drilling in the area today. On the sidelines of an oil conference in London, Transocean Ltd. president Steven Newman said there were things President Barack Obama's administration "could implement today that would allow the industry to go back to work tomorrow without an arbitrary six-month time limit."*

## **Gruenloh threatens lawsuit against BP for lost tax revenue**

AP, 06/22/10

*Summary: Commissioner Wayne Gruenloh outlined a plan Monday that would force BP PLC to reimburse Baldwin County for tax revenue lost due to the ongoing Gulf oil spill. In a Monday news conference, Gruenloh said his plan, if approved by the county, would threaten to sue BP for damages if the company does not provide reimbursement in a timely manner. BP owns the Deepwater Horizon well currently gushing oil into the Gulf of Mexico.*

## **BP. Pay up, pay now**

Birmingham News, 06/22/10

*Summary: IS IT really good news that BP has pumped \$16 million into Alabama's economy and another \$9.5 million into Mississippi's in the form of claims payments? Hardly. For BP to even suggest that it's boosting the Gulf Coast economy with the claims it's paying demonstrates a supreme arrogance. The response from the coastal states can be: The least you can do is turn claims around quickly to make up for the damage you've done.*

## **Larry King hosts special telecast for Gulf Coast**

Birmingham News, 06/22/10

*Summary: Talk show host Larry King hosted a special telecast Monday night featuring celebrities, naturalists, and prominent CNN reporters such as Andersen Cooper to raise money for the Gulf Coast's fight against the oil spill. More than \$1 million was donated in less than two hours during the show, titled "Disaster In The Gulf, How You Can Help."*

## **Oil execs in London slam Obama's drilling ban**

AP, 06/22/10

*Summary: Oil industry executives on Tuesday sharply criticized President Barack Obama's six-month ban on deepwater drilling, saying the world did not have enough other sources of oil to eliminate using deepsea rigs. The massive oil slick in the Gulf of Mexico and the moratorium imposed by Obama dominated discussions at the World National Oil Companies Congress in the British capital, and a BP executive standing in for embattled BP CEO Tony Hayward was heckled by protesters.*

## **Oil threatens key Gulf algae and its ecosystem**

AP, 06/22/10

*Summary: It looks dirty and muddy, a brown mass of weeds with gas-filled berries that allow it to float on the Gulf of Mexico's waters. Sometimes it washes ashore, getting caught in the toes of barefoot beachgoers or stuck to the bottom of flip-flops. It appears to be just another sea plant.*

## **Industry Seeks Clarity on New Requirements As Offshore Permit Requests Stall at Interior**

BNA's Daily Environment, 06/22/10

*Summary: Oil and gas companies are seeing their permit requests for offshore operations log-jammed at Interior Department headquarters as the department revamps its offices and personnel and applies new operational requirements, according to industry officials.*

*Interior's Minerals Management Service has been renamed and is in the process of being pulled apart. Amid the organizational changes, directives have been issued in the form of notices to lessees and operators that have imposed new information requirements and operational measures to increase safety and protect the environment.*

## **Chemical Safety Board Opens Investigation Into Causes of BP's Oil Rig Explosion**

BNA's Daily Environment, 06/22/10

*Summary: The U.S. Chemical Safety and Hazard Investigation Board will investigate the cause of the explosion that destroyed the Deepwater Horizon rig at the BP PLC well in the Gulf of Mexico, killing 11 workers and injuring 15 others, the agency told the House Energy and Commerce Committee in a June 21 letter. The committee requested that the Chemical Safety Board examine whether the circumstances and events leading up to the Deepwater Horizon explosion reflect problems in BP's corporate safety culture and if parallels exist between the explosion and the 2005 Texas City refinery explosion that killed 15 workers.*

## **Senators Want Escrow Fund in Law To Cover Damages From Future Oil Spills**

BNA's Daily Environment, 06/22/10

*Summary: Senators introduced a bill June 21 requiring oil and gas companies to set up escrow accounts before they conduct deepwater drilling. The legislation (number not yet available) is based on the \$20 billion trust fund that BP Plc has agreed to establish to pay damages and claims resulting from the Gulf oil spill. BP will not pay the \$22 billion all at once, but incrementally over the next four years.*

## **Oil agency renamed, gets director**

MSNBC, 06/21/10

*Summary: Pursuing reforms announced after the BP spill, Interior Secretary Ken Salazar on Monday swore in a former federal prosecutor as director of a new government agency to oversee offshore drilling and other oil and gas development. A former assistant U.S. attorney and Justice Department inspector general, Michael Bromwich will lead a reorganization of the agency formerly known as the Minerals Management Service.*

## **Notes From Wake of Blowout Outline Obstacles and Frustration**

NY Times, 06/21/10

*Summary: In the first frantic days after the blowout of the oil well in the Gulf of Mexico, crisis managers in Houston, concerned about the potential for an even greater catastrophe, weighed the risks of using more aggressive methods to try to control the well or leaving it alone, according to meeting notes and other documents. "Is the well safe?" one participant wrote in a daily log after a senior management meeting among executives from BP and other companies on April 23, less than three days after the explosion and fire aboard the Deepwater Horizon rig. "What are the risks?"*

## **New Orleans asking BP for \$75 million tourism grant**

CNN, 06/21/10

*Summary: Hoping to send the message that the Big Easy is open for business, the city of New Orleans has asked BP for a grant of \$75 million over three years to mitigate any long-term effects the Gulf oil disaster may have on its tourism, the head of the city's Convention and Visitors Bureau told CNN Monday. Stephen Perry likened the request, made in a letter from New Orleans Mayor Mitch Landrieu, to placing booms in front of a marsh or a beach. "You want to be protected. You don't want the damage to come," he said.*

## **La. companies ask judge to end drilling moratorium**

AP, 06/21/10

*Summary: Companies that ferry people and supplies to offshore oil rigs asked a federal judge Monday to lift a six-month moratorium on new deepwater drilling projects imposed in the aftermath of the massive Gulf spill. U.S. District Judge Martin Feldman heard two hours of arguments Monday and said he will decide by Wednesday whether to overturn the ban imposed by President Barack Obama's administration after the Deepwater Horizon rig explosion.*

## **Oil spreads as politicians make waves**

AP, 06/21/10

*Summary: The effects of the Gulf of Mexico oil spill continued to spread eastward Sunday, leaving tar balls along the white beaches of the Florida Panhandle, while Washington lawmakers maneuvered through the tricky political currents of the unprecedented environmental disaster. Navarre Beach was among several tourist-dependent West Florida towns where tar balls were reported Sunday.*

## **Obama and EPA to Push for Reinstatement of Superfund Tax**

Blue Wave, 06/21/10

*Summary: It looks like the Obama administration is not letting the gulf crisis go to waste. The Obama administration and the Environmental Protection Agency will push Congress to pass new legislation to re-impose the Superfund tax. The tax expired in 1995 and the funding ran out in 2003 leaving sites without the necessary funding for clean-up. Bills calling for the reinstatement of the tax have been sponsored by Senator Lautenberg (D-NJ) and Rep. Earl Blumenauer (D-OR).*

## **Spill threatens Ike-devastated Texas oyster trade**

AP, 06/21/10

*Summary: Texas oystermen are concerned the BP oil spill will focus more harvesting on oyster beds in Texas coastal waters that have only begun to recover from Hurricane Ike in 2008. The beds had just begun to recover from Hurricane Ike, which deposited enough sediment on the Texas coastal beds to kill half of the 16,000 acres of public oyster reefs. State figures show that, along with changes in salinity from a recent drought, cut the \$60 million industry to \$27 million.*

## **Sullivan, Inhofe speak out on spill**

Tulsa World, 06/21/10

*Summary: U.S. Rep. John Sullivan said he was shocked by what the Oklahoma Republican saw as arrogance on the part of BP CEO Tony Hayward in testimony last week before a key House panel on the tragic oil spill in the Gulf of Mexico. "We must hold BP responsible for this spill, and questions still remain on why BP has one of the worst safety records of any major oil company operating in the United States," Sullivan said. Oklahoma Republican Sen. Jim Inhofe also has made it abundantly clear that he is no friend of BP. Not only has Inhofe insisted that BP must be held accountable, he has gone out of his way, at least initially, to praise the Obama administration for its approach to the environmental disaster.*

## **More than a dozen mayors in town to see effects of Gulf oil spill first-hand**

NOLA Times-Picayune, 06/21/10

*Summary: Over fifteen mayors touring the Gulf Coast today with New Orleans Mayor Mitch Landrieu to survey the local impact of the oil spill. The president of the U.S. Conference of Mayors, Mayor Elizabeth Kautz of Burnsville, MN, is leading the delegation to show support for Landrieu and the mayors of the region affected by the BP oil disaster. The group's agenda includes a briefing with Coast Guard officials, a bus trip to Lafitte, a boat tour with Louisiana fishermen, and a seafood lunch at Bon Ton Restaurant.*

## **BP was told of oil safety fault 'weeks before blast'**

BBC, 06/21/10

*Summary: A Deepwater Horizon rig worker has told the BBC that he identified a leak in the oil rig's safety equipment weeks before the explosion. Tyrone Benton said the leak was not fixed at the time, but that instead the faulty device was shut down and a second one relied on. BP said rig owners Transocean were responsible for the operation and maintenance of that piece of equipment.*

## **Gulf's feathered victims find new home in Texas**

San Antonio Express, 06/21/10

*Summary: Tentative wing-flapping led to graceful soaring and convivial preening Sunday as 38 brown pelicans rescued from the worst oil mess in U.S. history explored new digs in the blue-green waters of San Antonio Bay. "They're Texas birds right now," said Dan Alonso, project leader for the Aransas National Wildlife Refuge Complex and host for the largest release to date of birds rehabilitated from the Deepwater Horizon oil spill, and the first release in Texas. It had been a long morning for the pelicans, which, along with a single tern, made two long road trips and a two-hour flight in the belly of a U.S. Coast Guard HC-144 transport plane in dog carriers.*

## **BP: 23,290 barrels of leaking oil captured Sunday**

Reuters, 06/21/10

*Summary: BP Plc said on Monday that its oil-capture systems at the massive Gulf of Mexico leak collected or burned off 23,290 barrels (978,180 gallons/3.7 million liters) of crude on Sunday. Its containment cap system, installed on June 3, collected 14,570 barrels on Sunday, BP said. A second system, started up on June 16, burned off 8,720 barrels on Sunday, BP said. The systems have a total capacity of 28,000 barrels a day, according to BP.*

## **By the numbers: Oil leak wouldn't fill Superdome**

AP, 06/21/10

*Summary: Overwhelmed and saddened by the gargantuan size of the Gulf oil spill? A little mathematical context to the spill size can put the environmental catastrophe in perspective. Viewing it through some lenses, it isn't that huge. The Mississippi River pours as much water into the Gulf of Mexico in 38 seconds as the BP oil leak has done in two months. On a more human scale, the spill seems more daunting. Take the average-sized living room. The amount of oil spilled would fill 9,200 of them.*

## **Gulf paymaster: People are in 'desperate' shape**

AP, 06/21/10

*Summary: The man President Barack Obama picked to run the \$20 billion Gulf oil spill damage fund said Monday many people are in "desperate financial straits" and need immediate relief. "Do not underestimate the emotionalism and the frustration and the anger of people in the Gulf uncertain of their financial future," Kenneth Feinberg told interviewers. "It's very pronounced. I witnessed it firsthand last week."*

## **Oil spill stirs study, debate over health impacts**

AP, 06/21/10

*Summary: When an Associated Press reporter went scuba diving in the oil-streaked Gulf of Mexico this month, people commenting on websites worried about his health. But at the same time, the oil sure didn't bother some beachgoers in Alabama. "I was in the water two hours yesterday," said Robert Theil, a French visitor to Orange Beach, as his sister acted as translator. "I'm not worried. It would take a lot before it could hurt you."*

## **BP CEO cancels appearance at major oil conference**

AP, 06/21/10

*Summary: BP chief executive Tony Hayward has canceled his appearance at a London oil conference on Tuesday, citing his commitment to the Gulf of Mexico relief effort. The announcement Monday follows stinging criticism of Hayward's weekend outing to the Isle of Wight to see his boat compete in a high-profile English yacht race, a move which drew outrage across the Gulf and an acerbic response from the White House.*

## **Haley Barbour: Drilling Moratorium Worse Than The Spill**

Huffington Post, 06/21/10

*Summary: Mississippi's Republican governor, Haley Barbour, said on Sunday that the temporary moratorium on offshore drilling imposed by the Obama administration is worse than the catastrophic oil spill caused by the explosion of the Deepwater Horizon rig. "Governor, what's worse, the moratorium or the effects of this spill on the region?" asked "Meet the Press" host David Gregory on Sunday. Barbour responded, "Well, the moratorium... the spill's a terrible thing, but the moratorium is a terrible thing that's not only bad for the region, it's bad for America."*

## **BP shares slump amid spat with partner on damages**

AP, 06/21/10

*Summary: BP shares fell sharply Monday after a public battle erupted between the oil company and one of its partners over who is responsible for the catastrophic failure of the Gulf of Mexico oil well. Stock in BP, which said it has now spent \$2 billion since April 20 trying to stop the oil gusher and to pay initial claims for damages on shore, fell 4 percent to 343 pence (\$5.12) in London.*

## **BP pegs spill at worst-case 100,000 bpd**

Reuters, 06/21/10

*Summary: BP shares fell on Monday after a U.S. lawmaker released an internal company document over the weekend pegging the worst-case scenario rate for the Gulf of Mexico oil spill far higher than government figures. The oil giant's stock, which has nearly halved in value since an explosion on an offshore rig on April 20, slid over 4.0 percent after the document estimated the rate at 100,000 barrels per day (15.9 million liters) versus the government estimate of 60,000 barrels.*

## **Engineers baffled by shear ram's failure to stop spill**

AP, 06/18/10

*Summary: Though the truth may not be known until a five-story blowout preventer is hauled up from the floor of the Gulf of Mexico, investigators and engineers continue to wonder what went wrong with the blind shear ram that was meant to slice through the drilling pipe and seal the well beneath the Deepwater Horizon oil rig. "If that would've worked," a senior oil industry executive said, "that rig wouldn't have burned up and sunk."*



## **BP not planning bond sale: sources**

Reuters, 06/21/10

*Summary: Oil giant BP is not planning a new bond sale, sources familiar with the matter said on Monday and instead plans to extend bank credit lines to ensure it has enough cash to pay for the Gulf of Mexico oil spill cleanup. BP has considered a number of different scenarios to raise additional cash, should the need arise, such as additional assets sales and a potential bond offering but for now, the company is confident its cash resources can cover the bulk of the cleanup costs, one source said. BP is seeking to arrange credit lines of up to \$7 billion from banks, banking sources told Reuters last week.*

## **Tea partiers wary of regulation, even in BP spill**

AP, 06/21/10

*Summary: A tea party favorite running for the U.S. Senate in Kentucky says President Barack Obama is using the Gulf of Mexico oil spill to advance an energy tax. While Democrats denounce BP for the spill, a Republican congressman from Texas accuses the White House of performing a \$20 billion "shakedown" by pushing the company to create a compensation fund for spill victims. Rep. Joe Barton also apologizes to BP Chief Executive Tony Hayward at a Capitol hearing, although he is later pressured by GOP leaders to apologize for his apology.*

## **Texas Tech Researcher: Fibertect Can Hold Oil and Mustard Vapors**

Environmental Protection, 06/21/10

*Summary: As workers battle the Gulf of Mexico oil spill and officials attempt to decontaminate a clam boat that dredged up old munitions containing mustard gas, a Texas Tech University researcher said his product Fibertect® can handle both dirty jobs. Seshadri Ramkumar, an associate professor of nonwoven technologies, said the Texas Tech-created nonwoven cotton carbon absorbent wipe can clean up crude oil and adsorb toxic polycyclic aromatic hydrocarbon vapors reportedly sickening oil spill cleanup crew members. The product also has been tested to remediate mustard vapors such as those found from dumped munitions discovered off the coast of Long Island.*

## **Judge to rule on whether to issue injunction on deepwater drilling moratorium by noon Wednesday**

NOLA Times-Picayune, 06/21/10

*Summary: U.S. District Court Judge Martin Feldman said today that he will decide on whether to issue a preliminary injunction against the six-month deepwater drilling moratorium by noon Wednesday. After a hearing in federal court this morning, Feldman said he hopes to have his decision ready by noon Tuesday if possible. The hearing was part of a lawsuit seeking to lift the deepwater drilling moratorium on an expedited basis, despite an effort by the federal government for a delay until the end of July, two months into the six-month shutdown.*

## **BP Gulf spill costs hit \$2 billion, no end yet**

AP, 06/21/10

*Summary: BP has spent \$2 billion in two months of fighting its Gulf of Mexico oil spill and compensating victims, with no end in sight to the disaster or the price tag. The British oil giant released its latest tally of response costs Monday, including \$105 million paid out so far to 32,000 claimants. The figure does not include a \$20 billion fund that BP PLC last week agreed to set up to continue compensating Gulf residents and businesses. There are also scores of lawsuits piling up against BP for the April 20 rig explosion that killed 11 workers and ensuing oil spill that has yet to be capped.*

## **Environmental Group Sues BP, Transocean For \$19 Billion, Alleging Illegal Oil Discharges**

BNA's Daily Environment, 06/21/10

*Summary: The Center for Biological Diversity sued BP America and Transocean Inc. in federal court June 18, alleging illegal discharges of more than 100 million gallons of oil and other pollutants into the Gulf of Mexico in violation of the Clean Water Act following the April 20 explosion on the Deepwater Horizon drilling rig and subsequent oil spill (Center for Biological Diversity v. BP America, E.D. La., No. 2:10-cv-10768, 6/18/10). In a complaint filed in the U.S. District Court for the Eastern District of Louisiana, the center said it is seeking the maximum possibly penalty against BP, with liabilities that eventually could tally \$19 billion.*

## **Interior Requires More Detailed Planning In Preparation for Offshore Well Blowouts**

BNA's Daily Environment, 06/21/10

*Summary: The Interior Department issued a directive June 18 spelling out the additional information that oil and natural gas companies must submit with offshore exploration and production plans to prevent a blowout and to deal with a blowout when one occurs. The directive, in the form of a notice to lessees and operators, is the second in a series of directives and rulemakings from Interior's Minerals Management Service to reduce the risk of another accident such as the Deepwater Horizon explosion and spill at the BP Plc drilling site in the Gulf of Mexico.*

## **BP: Committed to London 2012 Olympics**

MSNBC, 06/21/10

*Summary: BP intends to remain one of the biggest London 2012 sponsors despite its problems in the Gulf of Mexico. BP UK executive Peter Mather said Monday the company has no intention of withdrawing its sponsorship of the London Olympics, a deal valued at about \$58 million. "This is something we've committed to a long time ago and will remain committed to," he said. The company said it has spent \$2 billion responding to the massive ongoing oil spill triggered by an explosion on a BP oil rig April 20. It has come under criticism in the United States for its handling of the spill.*

## **Refuges, parks wage pitched battle against advancing crude**

Greenwire, 06/21/10

*Summary: After oil began spewing into the Gulf of Mexico from a damaged BP PLC well, the manager of Bon Secour National Wildlife Refuge here decided to take emergency action to protect the refuge's precious wetlands. Calling on sister refuges to bring in heavy equipment, refuge manager Jerome Phillips and his three staffers resolved to build a line of defense against a growing slick: two sand berms and seven dunes. "We can't fight this war by ourselves, obviously," Phillips said in an interview last week. "But immediately after the oil spill, we started looking for some opportunities where we could win some small battles just with the resources we have."*

## **Coast Guard seizes shrimp from two boats in closed fishing area**

NOLA Times-Picayune, 06/21/10

*Summary: The Coast Guard on Sunday seized approximately 30,000 pounds of shrimp from two boats that were fishing in closed area 35 nautical miles south of Terrebonne Bay. Coast Guard officials boarded the fishing vessels Lady Monica and La Borrachita after receiving a tip that the boats were shrimping in prohibited waters. During the inspections, approximately 10,000 pounds of brown shrimp were found onboard Lady Monica and approximately 20,000 pounds of brown shrimp were found on the La Borrachita. The shrimp were returned to the sea.*

## **Tern nesting areas being disturbed by oil spill cleanup workers, conservationist says**

NOLA Times-Picayune, 06/21/10

*Summary: Last weekend Drew Wheelan, the Gulf of Mexico conservation coordinator for the American Birding Association, documented the near-destruction of several least tern nests on the sand in front of a Grand Isle beach house owned by the Nature Conservancy. He took pictures of an unhatched egg -- white speckled with brown -- only a few inches from the track marks of an all-terrain vehicle, and of two days-old chicks precariously sitting in depressions created by a second set of tire tracks made by vehicles he believes are involved in cleaning up the Gulf oil spill created by the explosion and sinking of the Deepwater Horizon rig.*

## **'Last hope' of relief well not guaranteed to work**

Baton Rouge Advocate, 06/20/10

*Summary: From almost Day One of the oil disaster in the Gulf of Mexico, BP has said that if everything else fails to shut down the company's gushing well, the long-awaited relief well will do the job. Last week, Tony Hayward, BP's embattled chief executive officer, told Congress a relief well is now the only hope left to shut off the out-of-control well. "There are no other options," Hayward told Congress. "The pressure in this well is such that it's not possible to kill it from the top."*

## **Oil spill hits close to home for New Orleans attorney**

Houma Today, 06/21/10

*Summary: Throughout his three-decade career, lawyer Walter Leger Jr. has been involved in civil lawsuits involving the tobacco industry, a gas leak and ship collisions. But he's never been involved in a civil suit like the one he's currently handling for the Lafourche Parish District Attorney's Office. Leger is representing the agency in its suit against BP for damages the company's mammoth oil spill caused Lafourche Parish's wildlife. District Attorney Cam Morvant II personally asked Leger to take the case.*

## **Jimmy Buffett, friends plan concert for Gulf Coast**

Lubbock Avalanche-Journal, 06/21/10

*Summary: Jimmy Buffett and a few of his friends plan to give a free concert on the Alabama coast to show support for the Gulf region. Alabama tourism director Lee Sentell says show will be July 1 on the beach at Gulf Shores. Buffett's website says the concert is meant to demonstrate support for the people, businesses and culture of the Gulf Coast. It will be broadcast live on CMT. Buffett and his Coral Reefer Band will be joined in Gulf Shores by Sonny Landreth, Zac Brown Band, Kenny Chesney, Jesse Winchester and Allen Toussaint. A special souvenir T-shirt will be designed for the concert. It will be available online and at the show.*

## **Damage claims chief urges people to seek payments**

AP, 06/20/10

*Summary: The head of the new office set up to handle damage claims for the Gulf oil spill is pledging that all eligible and legitimate claims will be paid - and paid promptly. Ken Feinberg, who's the chief of the Independent Claims Facility, wants victims to come forward, file a claim for an emergency payment and then work with the office to come up with a claims program.*

## **Tony Hayward's worst nightmare? Meet Wilma Subra, activist grandmother**

Guardian, 06/20/10

*Summary: Wilma Subra, environmental scientist. New Iberia, Louisiana. Photograph: Julie Dermansky for the Guardian The long table at the back of Wilma Subra's office in rural Louisiana is covered with stacks of paper, several of which look in danger of sliding into a heap on the floor. There are legal briefs, chemical lab reports and government memos. But if Subra had to sum up each stack in a single phrase, it might come down to this: public good versus toxic industry*

## **Pro: Moratorium allows government to revamp regulation, paves road for clean energy**

Victoria Advocate, 06/20/10

*Summary: Seadrift shrimper Diane Wilson doused herself in what was intended to look like oil during a June 9 Senate Energy Committee hearing. Wilson admits she goes to great lengths to make people pay attention to what she describes as our addiction to oil. But ever since the gushing oil leak in the Gulf of Mexico captured the media spotlight, she doesn't need to bring attention to it. "Finally, I get to talk about the issues I have been trying to scream about for the last 20 years," she said. Wilson hopes the eventual outcome of the six-month offshore drilling moratorium, which calls an end to new drilling in water deeper than 500 feet, is a permanent ban on offshore drilling and a move to a cleaner energy source.*

## **Lapses Found in Oversight of Failsafe Device on Oil Rig**

NY Times, 06/20/10

*Summary: It was the last line of defense, the final barrier between the rushing volcanic fury of oil and gas and one of the worst environmental disasters in United States history. Its very name — the blind shear ram — suggested its blunt purpose. When all else failed, if the crew of the Deepwater Horizon oil rig lost control of a well, if a dreaded blowout came, the blind shear ram's two tough blades were poised to slice through the drill pipe, seal the well and save the day. Everything else could go wrong, just so long as "the pinchers" went right. All it took was one mighty stroke.*

## **Gulf oil spill: Mr. President, the problem isn't just MMS**

Christian Science Monitor, 06/20/10

*Summary: The Gulf oil spill has focused attention on the Minerals Management Service (MMS). But President Obama's disregard of the environment is more important. In the Obama administration's script for passing around oil-spill blame, the drilling regulator Minerals Management Service shares the stage with chief villain BP. The disaster is said to have exposed the weakness of MMS, a problem the president has now tackled by appointing a new head for the agency. One can understand why Mr. Obama wants to confine government failure to this little bureaucracy — long reported to be corrupt — inside the Interior Department. It is a slick move, but the hypocrisy is breathtaking and corrosive of what confidence there is in the government.*

## **For the Crew of a Drill Ship, a Routine Task, a Far-From-Routine Goal**

NY Times, 06/20/10

*Summary: The first thing that greets visitors to the Development Driller II is a large official sign that bears the name pencil pushers have given the well being drilled by this mammoth floating rig: OCS-G 32306. But the rig's tool pushers and other workers — and, by now, the rest of the world — know that this is not just another deepwater oil well in the Gulf of Mexico. It is one of two relief wells meant to put an end, once and for all, to the undersea gusher that has been spewing oil into the gulf for two months. Working 12-hour shifts for 21 days at a stretch in the thick gulf air 40 miles offshore, the crew may have gotten into its familiar drilling routine, but conversations with family and friends back home constantly reinforce the importance of the work.*

## **In Cleanup, It's Local Help Wanted, Workers Find**

NY Times, 06/20/10

*Summary: Hundreds of workers hired by BP subcontractors to help with the cleanup of the oil spill in the Gulf of Mexico are complaining that they traveled long distances to assist in the effort — only to be told that their jobs had been given to local residents. Workers from California, Mississippi and Texas say they signed contracts with the subcontractors under a belief that they would be spending weeks or months laying protective boom and scrubbing oil off the gulf shores. But after less than a week of work, they say, the subcontractors informed them that BP and state officials preferred that their jobs be performed by coastal residents. Their contracts did not guarantee a certain length of employment, so the workers have been left fuming, with little legal recourse.*

## **Monitoring the Manatee for Oil Ills**

NY Times, 06/20/10

*Summary: To the people who know her best, Bama is a skittish creature: smart, a good traveler, does not mix much with her peers. On a recent afternoon, Allen Aven watched her from an anchored pontoon boat, counting the time between her breaths. “This is a good environment for her,” Mr. Aven said, looking around the busy, narrow waterway of Scipio Creek, across from the Up the Creek Raw Bar. “It’s sheltered from wave action. There’s lots of vegetation, and it’s relatively fresh water.” A large gray snout belonging to Bama, a manatee, broke the water’s surface. “Breathe,” Mr. Aven yelled.*

## **G.O.P. Stalwart Says Come, the Gulf's Fine**

NY Times, 06/19/10

*Summary: “Get a picture of that beach!” Gov. Haley Barbour ordered a group of television photographers standing along an oil-less stretch of sand Monday. “They are gorgeous, pristine,” the governor gushed on Tuesday about Mississippi’s shores. “Beautiful,” he reiterated Wednesday at a La-Z-Boy plant in Newton. “The coast is clear, and come on down.” He is a former lobbyist, Republican National Committee chairman, White House political director and a familiar enough piece of the national political furniture to be known simply as “Haley” within certain Washington circles.*

## **Cleanups of Spill and an Agency Test Salazar**

NY Times, 06/19/10

*Summary: When President Obama boasted in his televised address on Tuesday about his team of leaders fighting the oil spill in the Gulf of Mexico, he spoke glowingly of his energy secretary, his Coast Guard commander, even his Navy secretary. Then he turned to Ken Salazar, his interior secretary. “When Ken Salazar became my secretary of the interior, one of his very first acts was to clean up the worst of the corruption at this agency,” Mr. Obama said, referring to Mr. Salazar’s oversight of the Minerals Management Service, the agency responsible for regulating offshore drilling. “But it’s now clear that the problem there ran much deeper, and the pace of reform was just too slow.”*

## **BP, Obama, and the EPA**

Tucson Citizen, 06/19/10

*Summary: BP’s Deepwater Horizon Gulf oil spill has caused environmental and economic damage and a political circus. Have you ever heard of the National Oil and Hazardous Substances Contingency Plan Act? This law was passed in 1994 and it specifically charges the Environmental Protection Agency (EPA) with mitigating damage from major oil spills. In response to that act, the EPA, itself, says, “When a major oil spill occurs in the United States, coordinated teams of local, state, and national personnel are called upon to help contain the spill, clean it up, and ensure that damage to human health and the environment is minimized. Without careful planning and clear organization, efforts to deal with large oil spills could be slow, ineffective, and potentially harmful to response personnel and the environment.*

## **BP Chief Draws Outrage for Attending Yacht Race**

NY Times, 06/19/10

*Summary: BP officials on Saturday scrambled yet again to respond to another public relations challenge when their embattled chief executive, Tony Hayward, spent the day off the coast of England watching his yacht compete in one of the world's largest races. Two days after Mr. Hayward angered lawmakers on Capitol Hill with his refusal to provide details during testimony about the worst offshore oil spill in United States history, and one day after BP's chairman said the chief executive would not be as involved in daily operations in the Gulf of Mexico, Mr. Hayward sparked new controversy from afar.*

## **OU researchers hope for grants to study oil spill's health effects**

Oklahoma Daily, 06/19/10

*Summary: Oklahoma may benefit from the oil spill in the Gulf of Mexico by way of grants that will aid the studying of the health effects of the oil, which will be a factor for decades to come, two researchers said Friday at the OU Health Sciences Center. The National Institutes of Health has issued grant-funding possibility for work involved in risk-assessment for individuals working on the Gulf oil spill, said Jay Hanas, who is researching the health effects on people from oil and fumes. "Hopefully there will be some research opportunities," Hanas said. "There will be studies from not only human aspect but also the marine life aspect."*

## **Signs of Hope as BP Captures Record Oil Amounts**

NY Times, 06/18/10

*Summary: Good days are relative for BP, the company responsible for stopping the largest offshore oil spill in the nation's history. But the last two days brought moderate signs of progress in the company's struggle to contain the catastrophe flowing from the floor of the Gulf of Mexico. BP said Friday that it had captured 25,290 barrels on Thursday of crude oil leaking from the wrecked well. That amount was the most for a single day since the explosion on the Deepwater Horizon rig on April 20, though still not close to the total amount of oil pouring into the gulf each day.*

## **Where Gulf Spill Might Place on the Roll of Disasters**

NY Times, 06/18/10

*Summary: From the Oval Office the other night, President Obama called the oil leak in the Gulf of Mexico "the worst environmental disaster America has ever faced." Senior people in the government have echoed that language. The motive seems clear. The words signal sympathy for the people of the Gulf Coast, an acknowledgment of the magnitude of their struggle. And if this is really the worst environmental disaster, the wording seems to suggest, maybe people need to cut the government some slack for failing to get it under control right away. But is the description accurate?*

## **Clean the Gulf, Clean House, Clean Their Clock - Opinion**

NY Times, 06/18/10

*Summary: PRESIDENT Obama is not known for wild pronouncements, so it was startling to hear him liken the gulf oil spill to 9/11. Alas, this bold analogy, made in an interview with Roger Simon of Politico, proved a misleading trailer for the main event. In the president's prime-time address a few days later, there was still talk of war, but the ammunition was sanded down to bullet points: "a clean energy future," "a long-term gulf coast restoration plan" and, that most dreaded of perennials, "a national commission." Such generic placeholders, unanimated by details or deadlines, are Washingtonese for "The buck stops elsewhere."*

## **BP adding piers to marina in which Plaquemines President Billy Nungesser has ownership share**

NOLA Times-Picayune, 06/18/10

*Summary: Plaquemines Parish President Billy Nungesser, who has become a national symbol of frustration by decrying BP's and the federal government's efforts to clean up the oil leaking into the Gulf of Mexico, has an interest in a Port Sulphur marina that is being refurbished on the oil company's dime. Myrtle Grove Marina is half-owned by Pointe Celeste Inter Vivos Trust, an entity from which Nungesser made less than \$5,000 in 2009, according to his personal financial disclosure forms filed with the state Ethics Administration. The trust includes seven other companies, records show.*

## **Court hearing on proposed drilling moratorium injunction Monday**

NOLA Times-Picayune, 06/17/10

*Summary: A key hearing in a lawsuit seeking to lift the deepwater drilling moratorium will go forward Monday morning in federal court in New Orleans on an expedited basis, despite an effort by the federal government for a delay until the end of July, two months into the six-month shutdown.*

## **Are the Internet rumors true?**

Baldwin County Now, 06/17/10

*Summary: Fed about a swarm of Internet rumors that so-called "volatile organic compounds" are in the air as a result of the ongoing Gulf oil spill, an official with the Alabama Department of Environmental Management (ADEM) said his agency can only go on what the Environmental Protection Agency (EPA) tells them, and that is that no air quality concerns exist at this point. Ron Gore, who heads up ADEM's Air Division, said on Monday that "three or four states" and the EPA have a program in place to monitor air quality in connection with the oil spill crisis, and that the EPA collects the data and analyzes it.*

## **Sea creatures flee oil spill, gather near shore**

AP, 06/17/10

*Summary: Dolphins and sharks are showing up in surprisingly shallow water off Florida beaches, like forest animals fleeing a fire. Mulletts, crabs, rays and small fish congregate by the thousands off an Alabama pier. Birds covered in oil are crawling deep into marshes, never to be seen again. Marine scientists studying the effects of the BP disaster are seeing some strange phenomena. Fish and other wildlife seem to be fleeing the oil out in the Gulf and clustering in cleaner waters along the coast in a trend that some researchers see as a potentially troubling sign.*

## **Section III: Other**

## **AP source: White House budget chief stepping down**

AP, 06/22/10

*Summary: White House Budget Director Peter Orszag's expected resignation would make him the first high-profile member of President Barack Obama's team to depart the administration. A Democratic official said Monday that Orszag is expected to leave in the coming months, although the exact timing is not known. The official confirmed the news to The Associated Press on condition of anonymity because it had not been announced.*

## **Supreme Court Rules Ban on Deregulation Of Genetically Modified Crops Was Too Broad**

BNA's Daily Environment, 06/22/10

*Summary: A federal district court abused its discretion in barring all deregulation of genetically modified alfalfa crops pending environmental review, the U.S. Supreme Court ruled June 21 (Monsanto Co. v. Geertson Seed Farms, U.S., No. 09-475, 6/21/10). The Supreme Court ruled that an injunction barring the U.S. Department of Agriculture's Animal and Plant Health Inspection Service from even partially deregulating herbicide-tolerant alfalfa until it had completed a full environmental impact statement under the National Environmental Policy Act was too broad.*

## **EPA to Issue Revised Brownfields Grants Guidelines**

BNA's Daily Environment, 06/22/10

*Summary: The Environmental Protection Agency's brownfields grants program is proposing, for fiscal year 2011, a new version of guidelines for applying for grants, according to a notice to be published in the June 22 Federal Register. EPA will accept comments on the proposed revisions to Fiscal Year 2011 Brownfields Grant Guidelines for five working days. The agency expects to release a request for proposals by the end of summer 2010 based on the revised guidelines. Guidelines cover three types of brownfields grants: assessment grants, revolving loan fund grants, and cleanup grants.*

## **Worries arise as code in works**

Denton Record-Chronicle, 06/21/10

*Summary: Denton city leaders are expressing renewed concern that natural gas drillers may rush to file permit applications to avoid the higher fees and more stringent regulations planned as part of an ongoing code overhaul. But a temporary moratorium on new permits still seems to be off the table. The council met last week to discuss ongoing revisions of Denton's gas drilling ordinance, which officials say are vital to protecting residents from noise and pollution associated with urban gas production. A public hearing and vote on the first phase of changes is scheduled for July 20, after a summer council recess, meaning companies have a month to file permit applications under the current rules.*

## **Dish Mayor Calvin Tillman says natural gas drilling is polluting his town**

Dallas Morning News, 06/21/10

*Summary: As mayor of Dish, Calvin Tillman presides over a two-square-mile patch of Denton County flatland and about 180 residents. But this small-town mayor has become a central figure in the national debate over gas drilling. "We shouldn't get picked on just because we're a small town," said Tillman, a trim, slightly built man whose unflinching criticism of gas drilling operations has put him in the crosshairs of the powerful energy industry and turned him into a celebrity crusader for safer drilling practices.*

## **Gas drilling sites near Cowboys Stadium stir concern in Arlington**

Fort Worth Star-Telegram, 06/20/10

*Summary: For drilling opponents, the approval of a well site near Cowboys Stadium and another expected to be approved next week are signs of how far Arlington's city leaders have gone to embrace urban gas drilling. Not only does placing a drill site within 3,000 feet of the \$1.2 billion stadium raise safety issues for the fans, neighborhoods and a nearby hospital, opponents say, it takes away from efforts to maximize Arlington's entertainment district.*



## **In fracking debate, 'disclosure' is in the eye of the beholder**

Greenwire, 06/21/10

*Summary: In the intense but inscrutable debate about the chemicals that drillers inject underground to flush out natural gas, this much can be said: Everyone is for disclosure. But there's no agreement on what "disclosure" means when it comes to the oil and gas process called hydraulic fracturing, or fracking. And that means they disagree on nearly everything.*

## **Valero cleans coker unit on East Plant**

Corpus Christi Caller, 06/21/10

*Summary: Valero Energy Corp. is performing scheduled maintenance on its East Plant coking unit. The work should not produce any flaring or noises, she added. The unit's shutdown was expected to release of an estimated 400 pounds of hydrogen sulfide, 400 pounds of nitrogen oxide, 5,000 pounds of sulfur dioxide, carbon monoxide and volatile organic compounds, according to the refiner's filing with the Texas Commission on Environmental Quality.*

## **Controversial gas-drilling documentary premieres tonight on HBO**

Fort Worth Star-Telegram, 06/21/10

*Summary: Critics of natural gas drilling in the Barnett Shale will see their cause get some national attention tonight when a scathing, award-winning documentary premieres on HBO. Gasland depicts filmmaker Josh Fox's odyssey across the country to document the downside of gas drilling. The film could bolster efforts to strengthen regulation of natural gas drilling in Texas and other states as well as at the federal level. But industry groups say Gasland shouldn't even be considered a documentary.*

## **The Chinese Drywall Complaint Offers To Assist Any Homeowner From Florida-Texas Discover If They Have Chinese Drywall--Emphasis Knauf**

Earth Times, 06/21/10

*Summary: The Chinese Drywall Complaint Center is trying to create a real sense of urgency for all homeowners in Florida, Louisiana, Alabama, Mississippi, and Southeast Texas discover if they have toxic Chinese drywall in their home, and more importantly, if its a specific type of toxic Chinese drywall called Knauf Tianjin. The time frames for toxic Chinese drywall in the US probably go back as far as 2001, to early 2009. However, Knauf Tianjun was probably only used from sometime in 2004-2007.*

## **Dallas dairy producer Dean Foods to roll out diesel-saving truck**

Dallas Morning News, 06/21/10

*Summary: Dallas-based Dean Foods Co. and another dairy producer are testing technology that cuts diesel use on refrigeration trucks up to 40 percent by eliminating a second diesel engine. The technology is applicable to an estimated 70,000 trucks hauling a wide variety of goods, from flowers to beer.*

## **Court overturns judge's alfalfa seed ruling**

Reuters, 06/21/10

*Summary: The Supreme Court ruled on Monday that a federal judge had erred in prohibiting the planting of Monsanto Co's genetically modified alfalfa seed until a federal government agency completed a detailed environmental review. By a 7-1 vote, the justices in their first decision involving genetically modified crops reversed a lower-court ruling. At issue in the case was an environmental impact study on how the Roundup Ready seed could affect nearby crops.*

## **States Back EPA Proposal to Revoke Rule On Aggregating Emissions at Industrial Plants**

BNA's Daily Environment, 06/21/10

*Summary: State regulators are backing an Environmental Protection Agency proposal to revoke a 2009 rule that they said complicates decisions as to when industrial plants need to install updated pollution controls under the new source review provisions of the Clean Air Act. In comments on the proposal, the National Association of Clean Air Agencies said that retaining the rule, which was intended to explain how emissions can be aggregated for the purpose of deciding whether new controls were needed, "would result in greater uncertainty for permitting authorities." Instead, states asked the agency to reinstate its prior policy requiring case-by-case determinations on new source review and to issue additional guidance for regulators.*

## **Roundup resistant weeds pose environmental threat**

AP, 06/21/10

*Summary: When the weed killer Roundup was introduced in the 1970s, it proved it could kill nearly any plant while still being safer than many other herbicides, and it allowed farmers to give up harsher chemicals and reduce tilling that can contribute to erosion. But 24 years later, a few sturdy species of weed resistant to Roundup have evolved, forcing farmers to return to some of the less environmentally safe practices they abandoned decades ago. The situation is the worst in the South, where some farmers now walk fields with hoes, killing weeds in a way their great-grandfathers were happy to leave behind. And the problem is spreading quickly across the Corn Belt and beyond, with Roundup now proving unreliable in killing at least 10 weed species in at least 22 states. Some species, like Palmer amaranth in Arkansas and water hemp and marehail in Illinois, grow fast and big, producing tens of thousands of seeds.*

## **Herbal supplements: Natural, but not always nice**

News OK, 06/21/10

*Summary: Websites and labels tout herbal cures for everything from cancer to diabetes as millions of Americans chase natural remedies for their ailments. But a new Congressional study of 40 herbal supplements revealed 37 contained traces of potentially hazardous contaminants. Lead, arsenic, cadmium and mercury were found in the supplements, though within the government's safety levels. Sixteen of the tested supplements also contained pesticide residues, researchers found.*

## **Rep. Michael Burgess walks a line on criticizing environmental agency, election-year politics**

Dallas Morning News, 06/20/10

*Summary: When news broke last month that the Texas Commission on Environmental Quality failed to notify the public about the possibility of toxic emissions from gas drilling wells in Fort Worth, U.S. Rep. Michael Burgess, R-Lewisville, came out swinging, calling for the state attorney general to investigate. The rebuke was notable because it came from a high-ranking Republican just as Democrats were criticizing GOP leaders over the environmental agency. But five days later, Burgess retracted his call for an investigation and softened his tone significantly.*

## **Casino city bans bicycling in town**

AP, 06/20/10

*Summary: The gambling town of Black Hawk has prohibited touring bicyclists from pedaling while in town, becoming what's thought by cycling advocates to be the nation's only city with such a law. Bicycle advocacy groups are gearing up to challenge the law. "The danger here is the precedent," Dan Grunig of Bicycle Colorado, an advocacy group, said Thursday. "We don't believe it's right or legal and we want to make sure it's addressed before it's spread any further."*

## **Ethanol producers criticize EPA delay on blend decision**

Des Moines Register, 06/19/10

*Summary: Faced with what they call the profit-robbing "blend wall," ethanol producers and their political supporters Friday reacted angrily to news that the U.S. Environmental Protection Agency will delay until fall a decision on increasing the blending limit with gasoline from 10 percent to 15 percent. The so-called "E15" blend would add another 7 billion gallons of demand for ethanol at a time when producers say they are nearing the blend wall of the maximum allowable use of 10 percent of the 130 billion gallons of gasoline Americans use each year.*

## **Southlake Restoration and Remodeling Earns Lead Safe Certification from EPA**

Pitch Engine, 06/18/10

*Summary: Southlake Restoration and Remodeling, a leading home renovation company in North Texas, has received Lead Safe Certification from the U.S. Environmental Protection Agency (EPA). "Our intent is to protect families," said Gary Rae, president, Southlake Restoration and Remodeling, "The so we decided it was critical to earn this certification for the safety of homeowners in North Texas.*

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# THE TEXAS TRIBUNE

## Seeing Green

by [Kate Galbraith](#)

June 22, 2010



Print version sponsored by:

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After three high-profile takeovers of permitting at three large Texas industrial plants, the Environmental Protection Agency has raised the hackles of state politicians and brought criticism of undue meddling that will cost the state's economy jobs.

That fight continues, with the federal agency scheduled to make a final decision on June 30 on the state's controversial system of "flexible" permitting. But it's hardly the only recent move by regulators to impose new environmental restrictions that will affect Texans.



Earlier this month, the EPA [announced](#) — for the first time in 40 years — that it is tightening rules nationally on sulfur dioxide emissions, which come from coal plants and other sources. Under the Obama administration, the agency also is preparing new regulations on a range of issues, from ozone pollution to waste from coal plants to the granddaddy of them all: greenhouse gas pollution. Predictably, the new regime has delighted Texas environmentalists while provoking businesses that fear damage to a fragile economic recovery.

"There's no doubt that the Obama EPA has different priorities than the previous EPA," said Ilan Levin, the Texas program director for the Environmental Integrity Project, a nonprofit that advocates for better enforcement of environmental laws.

### Greening the greenhouse

Several of the initiatives actually started late in the Bush administration, said [Tom "Smitty" Smith](#), the Texas director of Public Citizen, the environmental and consumer advocacy group. In August, for example, the EPA is expected to tighten ozone pollution requirements, rendering a number of Texas cities — [including Austin, San Antonio, El Paso and Waco](#) — out of compliance with federal requirements. (Houston, Dallas and Beaumont-Port Arthur are already out of compliance under current standards.) The Bush administration had [issued a new ozone limit in 2008](#), but the Obama administration has pulled that rule in favor of an even [stricter one](#).

"You don't get to do that," pronounced Stephen Minick, the vice president for government affairs at the [Texas Association of Business](#), protesting the new administration's swapping out of the weaker Bush rule. The move typifies the new administration's heavy-handed approach to a range of issues that will impact Texas, he said.

"What you see is, quite frankly, the same kind of broad approach you're seeing in health care reform and labor law reform — this tension between a states'-rights issue and what we feel is the focus of new

administration, which is to essentially standardize and federalize every program," he said.

Greenhouse gas regulation has also brought a more aggressive approach from the new administration. In a landmark 2007 case, the U.S. Supreme Court ruled that the EPA had the authority to regulate emissions contributing to global warming. The EPA under Bush hedged, but the Obama administration appears ready to move. It has already found that the gases endanger human health and welfare, a necessary legal precursor to regulation — and one that Gov. [Rick Perry](#)'s administration is [challenging in court](#).

Due partly to its heavy concentration of industry — including chemical plants, cement kilns and oil refineries — Texas has more greenhouse gas emissions than any other state and therefore may bear the heaviest burden under stricter regulations. Legal challenges aside, the greenhouse gas regulation likely will march forward under the Obama regulation: The EPA is due to [start regulating large industrial plants in January](#). (Congress could create a different regulatory structure under controversial “cap-and-trade” legislation, but this is an increasingly unlikely scenario in the polarized Washington political environment.) Smith says Texas has done nothing so far to prepare for the onset of the regulations and so will be hit all the harder.

### **"So blatant and so arrogant"**

The EPA is looking into other issues crucial to Texas's energy industries. For the first time, the agency proposes to [regulate waste from coal-ash](#). In April, the agency proposed rules that would [cut emissions of lead and mercury](#) from boilers — which burn natural gas or other types of fuel to create steam, which in turn creates electricity — and some solid waste incinerators.

Yet another issue critical to Texas is hydraulic fracturing, the practice of shooting water and chemicals below ground at high pressure to extract natural gas. The EPA is conducting hearings around the country on whether the practice, commonly called "fracking," impacts water supplies. On July 8, the [debate will come to Fort Worth](#), near where the method is employed heavily in the gas-rich Barnett Shale. Currently, fracking in Texas is regulated by the [Texas Commission on Environmental Quality](#) and the [Texas Railroad Commission](#), which oversees the oil and gas industry. But the EPA is [studying the issue](#) in the wake of Congressional interest in potentially ending an [exemption from federal oversight](#) of fracking in the Safe Drinking Water Act.

In the near term, the battle between Texas business interests and Washington regulators will remain centered on the EPA's tussle with the TCEQ over air-pollution permitting for a few of Texas's largest factories. The EPA has taken over permitting for three big Texas plants and is threatening to take over more if Texas does not shape up.

On June 11, the Texas Oil & Gas Association and the Texas Association of Manufacturers filed a petition in the 5th U.S. Circuit Court of Appeals in New Orleans, challenging EPA action on Texas's air-permitting program.

The EPA's incursion into state permitting has served to “hurl the state's major job producers into a world of uncertainty,” because they will not know what rules to follow, said Debbie Hastings, the vice president for environmental affairs for the Texas Oil & Gas Association, in a statement. Echoing Perry and a parade of industry representatives, she says that Texas' air pollution has improved over the years. Environmentalists counter the improvement has come through federal regulation rather than any voluntarily effort of Texas. “The truth is, the last thing the EPA wants to do is take over this process, because they don't have the resources allocated to this,” says Jim Marston, the Texas director of the

Environmental Defense Fund. But the agency has no choice, he said, because "Texas is being so blatant and so arrogant."

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## EPA crackdown on Texas air quality process leaves Crossroads up in the air



International Power's Coletto Creek coal-fired plant in Fannin, seen from U.S. Highway 59 South.

By [JJ VELASQUEZ](#) •

Originally published June 21, 2010 at 6:45 p.m., updated June 21, 2010 at 10:55 p.m.

### Corpus Christi refinery

The Flint Hills Resources oil refinery at the center of this issue is the 11th largest oil refinery in the U.S. and produces 288,468 barrels of oil a day, according to 2009 data from the U.S. ...

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### Corpus Christi refinery

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### IF YOU GO

**WHAT:** The Texas Commission on Environmental Quality will hold public meetings on the EPA's reduction of the ozone standard.

**WHERE:** 700 N. Main St., Room 204, Victoria

**WHEN:** 1 p.m., Tuesday

The meeting is open to the public.

The Environmental Protection Agency stopped last month a Texas agency from giving an operating permit to a Corpus Christi oil refinery.

It was the first action the agency took to get Texas plants and oil refineries to meet federal air quality requirements, said Dave Bary, a spokesman for the federal agency.

So just how will this affect Texas and the Crossroads? The answer is still up in the air, experts say.

Environmentalists and federal officials say they hope that by cracking down on some of the largest sources of harmful emissions, air quality in Texas will improve.

Business leaders, meanwhile, worry stricter regulations could increase operating costs and thus reduce jobs.

"It's premature to even guess where this may lead," Bary said. "What we're hoping ... is to sit down with the state, continue our discussions and come to an agreement that will allow the state to continue to issue permits, but fully in compliance with the requirements of the Clean Air Act."

The question is whether the state's flexible permits, which set a plant-wide cap rather than source-specific limits, meets minimum requirements of the Clean Air Act. The Environmental Protection Agency says it does not.

It's a lax permitting system put in place by the Texas Commission on Environmental Quality that air quality expert and environmentalist Neil Carman says contributes to the public health hazard that is ozone pollution.

#### OZONE STANDARD TIGHTENED

In 2006, the Environmental Protection Agency enlisted the help of a panel of ozone experts to review the agency's research.

In a 2007 letter, the panel recommended the agency reduce the ozone standard, which was 80 parts per billion then, to somewhere in the range of 60 to 70 parts per billion. The next year, a new standard was announced: 75 parts per billion.

The panel wrote the outgoing environmental agency administrator of the Bush administration again in 2008:

"It is the committee's consensus scientific opinion that your decision to set the primary ozone standard above this range fails to satisfy the explicit stipulations of the Clean Air Act that you ensure an adequate margin of safety for all individuals, including sensitive populations."

In January, the EPA, under new administrator Lisa Jackson, announced the new federal standard would be reduced to the recommended range. The official standard will be announced Aug. 31.

Carman said the panel's recommendations have set off more action on ozone. Before 2008's reduction, the ozone standard had not been lowered since 1997.

But if Texas's permitting system remained in place, it would allow plants to circumvent these federal requirements, Carman, who works with the Texas chapter of the Sierra Club, said.

"Major areas of the TCEQ's air permitting program have some flaws in them," Carman said.

Carman said the environmental group sought changes to the state's air permitting program since 1995.

Air pollution became an even greater cause for concern when new scientific research emerged pointing to more severe health effects from ozone, Carman said.

"There's new scientific medical research showing that ozone damages sensitive lungs, like asthmatics and children, at 75 parts per billion," Carman said.

#### THE IMPACT

Texas Gov. Rick Perry chided the federal agency for killing Texas energy jobs and a state air permitting program that he said has helped clean Texas air for 16 years.

Last Tuesday, the federal agency asked more facilities to bypass the state permitting program and apply for a federal permit.

The state responded by filing a lawsuit against the agency.

Dale Fowler, president of the Victoria Economic Development Corp., said more stringent standards could force refineries and plants to buy more expensive equipment used to abate and monitor emissions.

Further, facilities could face the prospect of halting operations if they fall out of regulatory standards and have to resubmit federal permits. The effect on area jobs could be significant.

The government also limits industrial expansion in areas that fall out of attainment for the ozone standard. Local businesses, such as gas stations, could also face government sanctions. Victoria is one of several areas at risk of becoming a non-attainment area when a reduced ozone standard is announced in August.

"We currently use it as an advantage for this area that we are in an attainment area," Fowler said. "However, even in non-attainment areas industry can grow."

The possible federalization of the permitting program could also create problems for the plants and refineries applying for new permits.

"We'd have to start from scratch again," Steve Rice, a Formosa spokesman, said. "And that's a lot of time and effort to prepare and re-submit brand new applications for something that we have already done."

He added, "You just don't fill these out in an afternoon. These are weeks and weeks of people's efforts."

Rice hopes the issue between the state and federal governments is resolved soon, so the plant can begin re-submitting its applications, he said.

Mike Fields, a spokesman for Coletto Creek Power, said coal plants are less exposed to federal changes than are chemical plants and oil refineries, which are typically larger and have more sources of emissions.

Flexible permits allow plants to cover all their emissions sources under one plant-wide cap, Fields said.

So where flexible permits set a cap for the entire facility, standard air permits, such as the one the Coletto Creek power plant holds, set source-specific emissions caps, measuring emissions at boilers, fire pumps and other units in the plant.



While adhering to conditions set in flexible permits is "easier," Fields said, the plant takes the precaution of applying for the standard permits.

"We don't want to have any issues come up when you go through the permitting process," he said.

But for smaller plants like Coletto Creek Power, being under a standard permit is a little bit more practical than it is for oil refineries and chemical plants.

"It certainly can be done," he said regarding what it would take for larger plants to meet federal air permit requirements. "It would take a lot of work."

#### CLEANER AIR?

While many hope the outcome of stricter regulation of Texas plants is cleaner air, the effect on air quality is still unclear, said Jerry James, Victoria's environmental services director.

For 15 years, Victoria has been near non-attainment for ozone levels.

Victoria is at risk of falling out of acceptable levels mostly because of pollution imported from other areas, a University of Texas researcher said at an air quality meeting in April.

Calls made to the University of Texas office of Cyril Durrenberger, who is contracted by the city to measure ozone emissions, were not returned.

According to the researchers' modeling studies, 91 percent of Victoria's ozone emanates from outside Victoria County.

Most of Victoria's ozone problems come from the northeast, ranging from the industrial areas of Houston and Galveston, to Louisiana and the Ohio River Valley.

Area chemical plants are not significant contributors to the ozone problem, according to the studies.

Last year, ozone levels in Victoria were at 66 parts per billion.

Because transport is a big part of Victoria's ozone problem, it's unknown whether hunkering down on Texas plants will clean the Crossroads' air.

"Until it works its way a little bit further along, I'm not sure whether it will have a positive or negative impact on our local air quality," Jerry James said.

"But we'll certainly be watching that."



# Ascot: The EPA should stir things up to bring fresh air to Texas

*Karin Ascot, LOCAL CONTRIBUTOR*

Published: 11:10 a.m. Monday, June 21, 2010

Judge Roy Bean, the "Law West of the Pecos," a despot who hanged people at will, was defeated in an 1896 election. Considering the doubling of asthma rates in Texas and the estimated several hundred deaths annually from air pollution, Gov. Rick Perry's railing against clean air reminds me of Bean's lawlessness.

The federal Clean Air Act was law in 1971 and is still the law. Perry and the Texas Commission on Environmental Quality need to stop fighting the law and start protecting public health.

Perry is attacking two U.S. Environmental Protection Agency programs: 1) new, more protective, health science-based air quality standards; and 2) the unraveling of TCEQ's "flexible permitting" program, which has allowed oil refineries and coal plants to violate the Clean Air Act for years.

Three big questions surround Perry's attacks: Is Texas' air quality safe and healthy, or not? Is the TCEQ enforcing the Clean Air Act in Texas? Can we afford to live and do business in Texas under the Clean Air Act?

Air quality in Texas is neither safe nor healthy. Nearly 18 million Texans and nearly 5 million children live in high smog areas. The air in Dallas-Fort Worth, Beaumont-Port Arthur, and Houston-Galveston contains ozone levels above current safe limits. When new EPA ozone rules are finalized, Austin, San Antonio and other areas also will be non-compliant.

Evidence shows ozone smog is more dangerous for humans to breathe than we previously knew. We need a higher standard. Ozone inflames airways, aggravates asthma and other respiratory illnesses, reduces lung function and leads to heart disease. Children are at increased risk because their lungs are still developing and they are more likely to be active outdoors. Ozone days in 2010 are up from 2009: 123 versus 95 through May 31. Texas air is not safe or healthy, especially for our most vulnerable populations. TCEQ has not enforced the Clean Air Act in Texas. It has failed in permitting, transparency and public participation, monitoring, and enforcement.

TCEQ takes money for permits and allows pollution. Of 90,000 permits requested by major industrial facilities since 1971, TCEQ has denied only 12. Under the illegal flexible permit program, TCEQ requires no public notice by the polluters. There have been no public notices about these "flexible permits" that are in violation of the Clean Air Act. Commissioners consistently overrule administrative law judges and permit facilities that pollute. Perry's rush since 2005 to build more coal plants than any other state is the worst example of TCEQ permitting run amok. If the 12 new coal plants in various stages of development are allowed to go online in Texas — six have already received permits from TCEQ — Texans will face thousands more tons of ozone-forming pollutants.

TCEQ allows major industrial facilities, once permitted, to monitor themselves by accepting industry-collected data. TCEQ rarely fines industrial polluters and when it does, it does not fine enough; firms still profit while polluting.

Perry and the TCEQ argue industry would lose money and our economy would lose jobs if the EPA makes TCEQ deny permits or requires cleaner technologies. The bottom line is that Texans are already paying the price of excessive fossil fuel use.

Beside the rising costs at the pump and on our electricity bills, Texans cannot afford the medical costs from the health impact of air pollution — asthma medications, treatments, doctors, emergency rooms, hospital admissions and a ruined environment. Requiring new technologies will create new jobs in pollution control technology. A recent study found that Texas has already created more green jobs, including pollution control, renewable energy and energy efficiency between 1997 and 2007, than any other state except California.

TCEQ is undergoing a review by the Texas Sunset Advisory Commission, with recommendations to the next Texas Legislature. This is the time for citizens and the EPA to help Texas clean our air by cleaning up the TCEQ.

It's time to obey the law and wisdom of the Clean Air Act, even out here in the wild, wild west.

Ascot is a former member of the City of Austin's Environmental Board.

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# Star-Telegram

## Toxic emissions at Fort Worth sites likely because of faulty equipment, state agency says

Posted Monday, Jun. 21, 2010

BY AMAN BATHEJA

[abatheja@star-telegram.com](mailto:abatheja@star-telegram.com)

Elevated levels of toxic emissions found this spring near gas drilling equipment at two locations in the Fort Worth area were likely due to equipment problems that have been fixed, according to state officials.

The Texas Commission on Environmental Quality released results Monday of air testing performed June 3 and 4 that showed that toxic levels in the air near the sites decreased, according to agency officials.

The June tests followed April results that found higher-than-normal levels of benzene near two compressor stations: one run by Chesapeake Energy near East Berry Street and Yuma Avenue, and another operated by EnCana Oil and Gas at Interstate 20 and Markum Ranch Road.

Before the June tests, Chesapeake and EnCana replaced equipment at their compressor stations that they believed caused the elevated readings, said John Sadlier, the agency's deputy director.

"Both companies took steps," Sadlier said. "Sure enough, we're right back down to a base level."

One of the June tests at the Chesapeake facility found benzene at a level of 1.4 parts per billion by volume, which is the state's long-term screening level. Sadlier said officials usually worry only about levels above 1.4 parts per billion. The agency plans to install long-term air testing monitors at the facility.

"This is the second time we've had issues, minor that they are," with this station, Sadlier said.

John Satterfield, Chesapeake's director of environmental science, said the company's sites are all operating in compliance with regulations.

"If for some reason we again have some sort of faulty equipment or something's not operating correctly, we'll fix it immediately," Satterfield said.

The next highest reading for benzene, which is known to cause cancer in humans, was found at the EnCana site. The level was 0.72 parts per billion by volume.

Sadlier stressed that long-term screening levels are the amount of a toxin that may cause health problems if someone were exposed for 24 hours a day for 70 years.

Two sites where elevated emissions were found in April are in state Rep. Marc Veasey's district, which covers historically low-income parts of southeast Fort Worth.

On Monday, Veasey and state Sen. Wendy Davis called on state regulators to do more testing for air pollution around natural gas drilling sites in that area.

Davis and Veasey, both Fort Worth Democrats, sent a letter to environmental commission Executive Director Mark Vickery asking him to install a full-time air monitor in southeast Fort Worth. The only such monitors are in northwest Fort Worth and near Eagle Mountain Lake.

"If our state environmental agency wants to show they are concerned about the health and safety of people living in my district, they will immediately put into place a full-time air monitor and make the data available to the public," Veasey said in a news release.

Vickery said three new air-monitoring systems will be up and running in the Barnett Shale region by the end of the summer.

"The agency is now evaluating the best locations for the new monitors based on criteria that includes the number of facilities in a geographic area, proximity to residents, potential risk and meteorological conditions," Vickery said in a statement. "We will continue to work closely with all elected officials and the public in the Barnett Shale in an effort to provide real-time air quality data available around the clock."

The state environmental commission has been under fire in recent weeks after admitting last month that it suppressed test results showing higher-than-normal levels of benzene and other toxic compounds at sites in Fort Worth.

Agency officials have repeatedly said that gas drilling doesn't contribute to Dallas-Fort Worth's pollution problem but that it didn't conduct any tests until December -- years after the drilling boom began.

Sadlier announced in January at a public meeting in Fort Worth that the agency's air testing showed that "the air is safe." A week later, the agency retested the samples with more sensitive equipment and found some elevated levels but didn't immediately inform local officials. Follow-up tests conducted in February found no levels of toxic fumes that exceeded the guidelines.

Sadlier noted this time that the agency contacted Fort Worth immediately with its latest results.

"We're moving data, frankly, faster than we've ever moved data before," Sadlier said. "We're releasing that data to the public website and to the city of Fort Worth immediately after it comes out of the lab."

Critics have argued that natural gas drilling is polluting the air more than companies let on and is making people sick. Fort Worth is preparing to conduct its own air testing in the area this summer.

To read the commission's June air test results for the Fort Worth area, go to [bit.ly/JuneAirTests](http://bit.ly/JuneAirTests).

Staff writer Mike Lee contributed to this report.

AMAN BATHEJA, 817-390-7695

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## Air-quality restrictions: Tougher controls could bring changes to El Paso region

By Chris Roberts \ El Paso Times

Posted: 06/20/2010 12:00:00 AM MDT



Traffic heads east on I-10 near Geronimo Thursday. (Victor Calzada / El Paso Times)

EL PASO -- Tighter air-quality standards proposed to provide cleaner, healthier air could mean lifestyle changes for El Paso residents and increased costs for some businesses.

Freeway lanes reserved for car-poolers, a ban on gasoline-powered lawn mowers and periodic no-burn days when barbecues and fireplaces are off-limits would help reduce El Paso's smog, city officials said. And some businesses probably would have to invest more in pollution controls, they said.

Driving the discussion is U.S. Environmental Protection Agency proposal to lower the ground-level ozone standard from 75 parts per billion to between 60 and 70 ppb. A decision is expected

in August.

The man in charge of the EPA region that includes Texas is an El Paso



Alfredo Armendariz (Times file photo)

native, Alfredo "Al" Armendariz.

As a professor at Southern Methodist University in Dallas, where Armendariz worked before his appointment, he criticized Texas' efforts to regulate polluters. Supporters lobbying for his selection said he was an environmental advocate with extensive scientific training.

After two weeks of requests to the regional office, the EPA was unable to arrange an interview with Armendariz or anyone else who could comment.

Even as the EPA begins the process of tightening ozone standards nationwide, El Paso is just now coming into compliance with the current requirements.

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Complicating matters is the fact that Juárez has many older cars, which emit more pollution, said Miguel Parra, engineering division manager

for the city's Environmental Services Department. However, the EPA has not granted the city any exceptions, said Ellen Smyth, the department's director.

Armendariz should have a better understanding of the difficulties faced by the city, Smyth said. But when the rules are put in effect, the city should not expect any special treatment, she added.

"We sent a letter to the EPA stating our distress over the possibility and to be careful with their calculations so it doesn't negatively affect us," Smyth said.

Measures taken to lower ozone levels have included using a special type of gasoline, installing vapor recovery systems for filling gas station storage tanks and residents' vehicles, converting city buses to natural gas and selling a special blend of paint in area stores.

All the measures focus on reducing emission of chemicals that sunlight, which El Paso has in abundance, converts into ozone. Most of those chemicals are produced by gasoline engines, Parra said.

The American Lung Association has strongly supported the proposed change, calling on the

EPA to "adopt the strongest, most protective standard."

"Ozone air pollution threatens the health of infants, children, seniors, and people with asthma and other lung diseases," said Charles D. Connor, the association's president and chief executive officer, in a statement released earlier this year. "For them, smog-polluted air can lead to breathing problems, aggravated asthma, emergency room and hospital visits and even an early death."

But further lowering El Paso's ozone levels will not be easy, according to Smyth and Parra.

The city has already taken the actions expected to provide the greatest reduction with the least social impact, they said.

New approaches could make mass transit a higher priority, hasten the conversion of city vehicle fleets to natural gas or electricity, and restrict vehicle idling, which could include the elimination of drive-throughs, Parra said. Cities around the country have imposed idling restrictions, but most are aimed at larger, commercial vehicles.

Motorists also could face higher fines for failing annual emissions inspections, Smyth said. "If you don't pass, it's going to be less expensive for you if you get a new car," she said.

If the city remains in violation of the standard, it could lose federal transportation money, Smyth

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said. In the past, the EPA has allowed grace periods of many years while areas work on ways to come into compliance.

Businesses also would be affected, Smyth said.

Western Refining, for example, might have to further reduce its emissions, which also contribute to the ozone problem.

"There's so much up in the air, it's hard to react," said Gary Hanson, Western Refining's vice president of corporate communications. "We've always tried to make sure we're complying with the regulations."

Western Refining has invested more than \$200 million over the past six years in new equipment and upgrades that make the plant cleaner and more efficient, Hanson said.

And some Texas businesses are facing another EPA challenge.

The agency has questioned the way the Texas Commission on Environmental Quality issues two types of air emissions permits. Its main concern is that permits allowing plants to average individual source emissions based on self-reported information could be used to avoid a federal process regulating new emissions.

"There is no avoidance" of federal emissions reviews, said Steve Hagle, director of the commission's Air Permits Division. "We believe we can enforce the permits."

Decisions are based on information provided by the companies, Hagle said.

The regional EPA, under Armendariz, sent 39 letters to companies earlier this year and late last year notifying them of objections to their permits. Among the companies targeted is Dal-Tile in El Paso, which has about 255 employees who make fired ceramic tile.

The commission is still negotiating changes that clarify the regulations, Hagle said, but the EPA has already taken control of three of the permits in question.

When contacted at Dal-Tile's corporate headquarters in Dallas, Steve Willis, the company's senior environmental engineer, said he was unaware of the letter. He said the commission had approved a minor revision that allows increased emissions from one source with reduced emissions in the same amount from other sources at the plant.

"We were only allowed to do it because we had no new pollutants and no new sources," he said.

Willis also expressed concern about the current uncertainty. That includes the proposed ozone-standard change, which he said "will affect us."

Although there are costs, tightening clean-air standards ultimately will benefit the region, said Laurence Gibson, chairman of the Sierra Club's El Paso Group.

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"We're highly in favor of it," Gibson said. "It's just something we have to do in the name of progress, and it's something we all want for our children."

Talk of banning drive-throughs and barbecues is premature, Gibson added.

Expanding use of mass transit and ending traffic congestion at international bridges should provide significant improvements, he said. Quality of life for city residents will improve with "clean air, good water and a healthy lifestyle," he said.

And what does he think of the regional EPA chief, El Paso's native son? "We're thrilled with Armendariz," Gibson said. "He's shown he's going to protect us."

Chris Roberts may be reached at [chrisr@elpasotimes.com](mailto:chrisr@elpasotimes.com); 546-6136.

engineer by training, with an undergraduate degree from the Massachusetts Institute of Technology.

#### Alfredo "Al" Armendariz

- Appointed by President Barack Obama on Nov. 5, 2009, as the regional administrator for the U.S. Environmental Protection Agency, Region 67.
- A third-generation Texan, he is descended from Mexican and Mexican-American grandparents who settled in El Paso.
- Born and raised in El Paso, he graduated from Coronado High School in 1988.
- He holds a doctorate in environmental engineering from the University of North Carolina at Chapel Hill. He is a chemical

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## State of Texas challenges EPA ruling threatening jobs

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06.19.10 - 09:00 am

Texas Attorney General Greg Abbott filed a legal challenge Monday to the U.S. Environmental Protection Agency's decision to disapprove the state's qualified facilities program. The state's petition for reconsideration was filed with the U.S. Court of Appeals for the Fifth Circuit in New Orleans.

In 1995, the Texas Legislature passed a law that was intended to streamline a time-consuming regulatory process by allowing certain qualifying facilities to implement physical and operational changes to their sites without having to undergo additional regulatory processes – provided the facilities' changes neither increase emissions nor result in the release of new contaminants.

The Texas Commission on Environmental Quality (TCEQ) complied with the 1995 law by submitting revised qualified facilities rules to the EPA in 1996. Although the TCEQ has been regulating qualified facilities without interference from the federal government since the first term of the Clinton administration, the EPA rejected the rules and disapproved the Texas program on March 31, 2010

Under the Clean Air Act, the EPA was required to act on these rules within one year. Yet the federal government waited more than a decade – three presidential administrations – to take action on and ultimately reject the TCEQ's qualified facilities rules. Despite the fact that more than a dozen years passed since the rules were first submitted, the TCEQ attempted to work with the Obama administration and resolve the new EPA administrator's objections. On March 30, 2010, the commission promulgated draft rules that amended the qualified facilities program in an effort to resolve the federal agency's concerns. However, just one day after the state's new proposed rules were published, the EPA summarily disapproved the Texas program.

By rejecting Texas' qualified facilities program, the EPA has unilaterally declared that program is not in compliance with federal law. The EPA's decision not only imposes significant uncertainty on entities that employ thousands of Texans, but it threatens the livelihood of their employees – who depend upon those facilities for their jobs. According to the Texas Governor's Office, recent decisions by the EPA to extend federal control over the state threaten tens of thousands of Texas jobs.

The EPA's decision also threatens a regulatory program that has successfully reduced harmful emissions in the state of Texas. Emissions data cited by the governor's office indicate that the Texas clean air program achieved a 22 percent reduction in ozone and a 46 percent reduction in NOx, which outpaces the 8 percent and 27 percent reductions that were recorded nationally.

The EPA opted to disapprove the state's qualified facilities program and impose the federal government's judgment on the state despite Section 101 of the Clean Air Act, which provides that air pollution prevention "is the primary responsibility of the states and local governments." Section 110 of the act provides a similar admonishment to respect the states' authority, stipulating that

“each state shall have the primary responsibility for assuring air quality within the entire geographic area comprising such state.” The Texas Attorney General’s Office filed the legal action against the EPA on behalf of TCEQ in an effort to defend the state’s legal rights and challenge improper overreach by the federal government.

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**THE WALL STREET JOURNAL.**  
WSJ.com

OPINION | JUNE 22, 2010

## A Tale of Two Disasters

*Bush was blamed for local failures after Katrina. Obama got a free ride for weeks as federal failures mounted during the Gulf spill.*

By [PAUL H. RUBIN](#)

In many respects, the Deepwater Horizon disaster and Katrina are mirror images of each other. The harm from Katrina was on state land—mainly Louisiana, but also Florida, Alabama and Mississippi. As a result, President George W. Bush and the federal government were limited in what they could do. For example, Homeland Security Secretary Michael Chertoff wanted to take command of disaster relief on the day before landfall, but Louisiana Gov. Kathleen Blanco refused. Federal response was hindered because the law gave first authority to state and local authorities.

State and local efforts—particularly in New Orleans, and Louisiana more broadly—interfered with what actions the federal government could actually take. New Orleans Mayor Ray Nagin was late in ordering an evacuation and did not allow the use of school buses for evacuation, which could have saved hundreds of lives. President Bush had no power to change that decision.

The Deepwater Horizon oil spill is on federal offshore territory. The federal government has primary responsibility for handling the situation, while state and local governments remain limited in what they can do. For example, the Environmental Protection Agency has repeatedly changed its mind regarding the chemical dispersants that Louisiana is allowed to use. In the Florida Panhandle, Okaloosa County officials voted to disregard any restrictions from higher branches of government and allow its own emergency management team to do what it views as best, such as creating an underwater "air curtain" of bubbles to push oil to the surface, and using barges to block the oil once it rises. They believe that the federal government is undermining their efforts.



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Associated Press

Rescue personnel help flood victims from a boat in the flooded city of New Orleans after Hurricane Katrina.

As opposed to Katrina, state and local attempts to address the oil spill have been hindered by an ineffectual and chaotic federal response.

The Coast Guard has played an important role in both disasters. During Katrina, it rescued over 33,000 stranded people and received commendations from the president and Congress. In the current disaster, the Coast Guard has received widespread criticism for forbidding 16 barges from skimming oil because they were not inspected for life preservers. Louisiana Gov. Bobby Jindal tried to get the barges working, but was for a long time unable to convince the Coast Guard to permit them to deploy.

Two days after Katrina's landfall, Mr. Bush suspended the Jones Act (which restricts the ability of non-American ships to work in U.S. waters) to allow assistance for Katrina victims.

During Katrina, over 70 foreign countries pledged emergency assistance. In the current situation, President Barack Obama has not suspended the Jones Act. Many countries such as the Netherlands, which would like to help and have expertise in cleaning oil spills, can offer only limited relief. This is significantly delaying the cleanup.

The Jones Act, which requires American crews, is a favorite of organized labor, a major supporter of Mr. Obama.

Mr. Bush was a Republican, and elected Democrats controlled Louisiana and New Orleans, the main victims of Katrina. Many claimed Mr. Bush neglected New Orleans for this reason. Mr. Obama is a Democrat, and the states affected by Deepwater Horizon—Louisiana, Alabama, Mississippi, and Florida—all have Republican governors. I have not seen anyone, even on the right, claim that the ineffectual response of the Obama administration is due to partisan politics.

The final difference is in the press handling of the two issues.

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Mr. Bush responded quickly to Katrina but was handicapped by regulations giving power to the states. Nonetheless, the federal response was well coordinated and helpful overall. But Mr. Bush was rapidly and widely blamed for the result of Katrina and for failures that actually occurred at other levels of government.

Now Mr. Obama has much more power than did Mr. Bush, but the federal response is ineffective and often stands in the way of those in

the best position to know what to do. It is only in the last week or two that the mainstream press has voiced any criticism of Mr. Obama.

This is because the media's default position for Mr. Bush was "Bush is wrong," and it sought stories aimed at justifying this belief. For Mr. Obama the media's default is "Obama is right," and it takes a powerful set of facts to move it away from this assumption. As oil continues to gush from the unplugged well, this set of facts has unfortunately come to the fore.

*Mr. Rubin is a professor of economics at Emory University, and held several senior government positions in the 1980s. He has a summer residence on the Florida Panhandle, where he is fearfully awaiting the arrival of the oil.*

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## Democrats broaden attacks over Joe Barton's apology to BP

06:55 AM CDT on Tuesday, June 22, 2010

By MELANIE MASON / The Dallas Morning News  
[mmason@dallasnews.com](mailto:mmason@dallasnews.com)

WASHINGTON – [Democrats](#) are broadening their attacks over Rep. [Joe Barton's](#) much-maligned – and retracted – apology to the chief executive of [BP](#), arguing that he represents fellow [Republican](#) lawmakers on the issue.

A new national ad from the Democratic Party titled "Stop Apologizing" began airing Monday. And the House Democrats' campaign arm began targeting more than 30 colleagues who have received campaign donations from the [Arlington](#) Republican.

Among them are three Texans: [John Culberson](#) of Houston, [Michael McCaul](#) of Austin, and [Pete Olson](#) of Sugar Land. Each received donations from Barton's PAC, the Texas Freedom Fund, over the last two election cycles.

Voters deserve to know if the targeted members' "loyalty runs deeper to British Petroleum apologist Joe Barton or to the people who want to hold the British oil giant accountable," said the House Democratic group's spokesman, Ryan Rudominer.

The strategy echoed the charge levied by [White House](#) Chief of Staff [Rahm Emanuel](#) this weekend that Barton's expression of sympathy for the oil giant reminded voters "how the Republicans would govern."

Emanuel said on ABC's *This Week* that Barton's remarks, a transcript of which was released by the Republican office of the House Energy and Commerce committee soon after Barton spoke at a hearing Thursday morning, were premeditated.

"That's not a political gaffe. Those are prepared remarks. That is a philosophy," Emanuel said.

[Lisa Miller](#), a spokeswoman for the Republicans on the House energy committee, said Barton's opening statement was "extemporaneous." On Sunday, after Emanuel's charge, Miller sent to reporters the prepared remarks, which she said were "approved but not used."

It remains unclear, though, whether the apology was part of the planned remarks. Barton does not appear to be reading his remarks at the hearing. But Barton's office released nothing in advance on Thursday, and the prepared statement released Sunday was not submitted to the official record until Monday morning.

Barton's originally prepared remarks echoed much of what the lawmaker has already said in the wake of the oil spill: stern words for BP's safety practices, but continued support for offshore drilling.

"There are still plenty of questions about what exactly happened and why, but we are beginning to see the disturbing patterns of behavior that led to the disaster," reads the statement.

Barton's apology to BP's chief executive, [Tony Hayward](#), expressed remorse that the Obama administration had pushed the company to establish a \$20 billion escrow account to pay for cleanup and damages – a step that Barton referred to as a shakedown. Barton, the top Republican on the energy committee, later retracted the apology, apparently under heavy pressure from Republican leaders.

Other Republicans have also criticized the fund, though few have embraced Barton's apology. On Monday, he got some fresh support from Rep. [Steve King](#), R-Iowa, who said that Barton was "spot-on when he called it a 'shakedown.' "



## Hayward's stand-in heckled at London oil meeting

Published: Tuesday, June 22, 2010, 6:59 AM    Updated: Tuesday, June 22, 2010, 7:01 AM

**AP** The Associated Press

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LONDON -- The owner of the broken Deepwater Horizon rig spewing oil into the Gulf of Mexico criticized President Barack Obama's six-month ban on deepwater drilling and a BP executive was heckled today at a major oil conference.

The massive oil slick in the Gulf dominated discussions at the World National Oil Companies Congress.



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(AP Photo/Susan Walsh)

In this June 16, 2010 file photo, BP Chief Executive Officer Tony Hayward, left, and BP Managing Director Bob Dudley, right, arrive with other BP executives at the White House in Washington, for a meeting with President Barack Obama. Hayward will be handing over oil spill duties to fellow BP executive Bob Dudley. That means a man who spent time in southern Mississippi as a boy will get to oversee the Gulf Coast cleanup.

Transocean Ltd. president and CEO Steven Newman said he was concerned about a moratorium imposed by Obama, which is currently being reviewed by a U.S. federal judge.

"There are things the administration could implement today that would allow the industry to go back to work tomorrow without an arbitrary six-month time limit," Newman told reporters on the sidelines of the meeting.

Transocean owns the Deepwater rig, which is run by British oil giant BP PLC. An April 20 explosion on the rig

killed 11 workers and set off worst oil spill in U.S. history. In response, the U.S. government imposed the ban on drilling.

Obama's drilling ban has been challenged in court and U.S. Judge Martin Feldman has said he will decide by Wednesday whether to overturn the ban.

Chevron executive Jay Pryor was also critical of the U.S. government's move, saying the drilling moratorium would "constrain supplies for world energy."

"It would also be a step back for energy security," said Pryor, global vice president for business development at the U.S. company.

Meanwhile, BP executive Steve Westwell was heckled during his speech at the conference, where he was standing in for embattled chief executive Tony Hayward.

The BP chief of staff was interrupted twice during his address by protesters shouting "we need to end the oil age!" The hecklers were escorted out of the central London hotel by security.

Westwell said Hayward was "genuinely sorry" not to be at the conference, where he had been due to give a keynote address on about the global responsibilities of international oil companies.

"He and I both hope you understand his schedule is under incredible pressure at the moment," Westwell told delegates.

Hayward pulled out of the conference on Monday after stinging criticism for spending Saturday at England's Isle of Wight to see his yacht compete in a famous race. That outing drew outrage on the Gulf coast and an acerbic response from the White House.

More than 120 million gallons of oil have leaked already from the rig's broken pipe, according to the most pessimistic U.S. government estimates. Oil has been washing up from Louisiana to Florida, killing birds and fish, coating marshes and wetlands and covering pristine beaches with tar balls and oily debris.

A pair of relief wells considered the best chance at a permanent fix won't be completed until August.

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## Gulf rig owner criticizes Obama's drilling halt

Published: Tuesday, June 22, 2010, 6:34 AM Updated: Tuesday, June 22, 2010, 6:38 AM

**AP** The Associated Press

NEW ORLEANS -- The owner of the drilling rig involved in the massive oil spill in the Gulf of Mexico criticized the U.S. government's six-month ban on deepwater drilling in the area today.



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Oil from the Deepwater Horizon spill invades the beach, Monday, June 21, 2010, in Port Fourchon, La. (AP Photo/Charlie Neibergall)

On the sidelines of an oil conference in London, Transocean Ltd. president Steven Newman said there were things President Barack Obama's administration "could implement today that would allow the industry to go back to work tomorrow without an arbitrary six-month time limit."

Transocean owns the Deepwater Horizon rig, which was run by British oil company BP PLC. An April 20 explosion on the rig killed 11 workers and set off the worst offshore oil spill in U.S. history.

The criticism came a day after a federal judge in New Orleans began to mull lifting the moratorium, which the Obama administration imposed after the disaster began, and the administrator of a \$20 billion fund to compensate oil spill victims pledged to speed payment of claims.

Judge Martin Feldman said he will decide by Wednesday whether to overturn the ban.

During Monday's two-hour hearing, plaintiffs' attorney Carl Rosenblum said the six-month suspension of

drilling work could prove more economically devastating than the spill itself.

"This is an unprecedented industrywide shutdown. Never before has the government done this," Rosenblum said.

Government lawyers said the Interior Department has demonstrated that industry regulators need more time to study the risks of deepwater drilling and identify ways to make it safer.

"The safeguards and regulations in place on April 20 did not create a sufficient margin of safety," said Justice Department attorney Guillermo Montero.

Meanwhile, Kenneth Feinberg, who has been tapped by the White House to run the fund set up to help people harmed by the spill, said many people are in desperate financial straits and need immediate relief.

"We want to get these claims out quicker," he said. "We want to get these claims out with more transparency."

Feinberg, who ran the claim fund set up for victims of the Sept. 11, 2001, terrorist attacks, said BP has paid out over \$100 million so far. Various estimates place total claims so far in excess of \$600 million.

BP said it has spent \$2 billion fighting the spill for the last two months and compensating victims, with no end in sight. It's likely to be at least August before crews finish two relief wells that are the best chance of stopping the flow of oil.

The British oil giant released its latest tally of response costs, including \$105 million paid out so far to 32,000 claimants. That figure does not include the \$20 billion fund BP PLC last week agreed to set up for residents and businesses hurt by the spill.

Also Monday, the government sent BP a \$51.4 million bill for the response effort. BP has already paid two other bills totaling \$70.9 million.

Shares of BP, which have lost about half their value since the April 20 oil rig disaster that killed 11 workers, fell nearly 3 percent Monday in New York trading to \$30.86.

BP chief executive Tony Hayward canceled a scheduled Tuesday appearance at the London oil conference, citing his commitment to the Gulf relief effort. The last-minute pullout followed stinging criticism of Hayward's attendance at a yacht race on the Isle of Wight off the coast of southern England on Saturday.

Obama's administration has also been struggling to show it is responding forcefully to the spill, which has gushed anywhere from 68 million to 126 millions gallons of oil into the Gulf.

As part of that effort, the Interior Department halted the approval of any new permits for deepwater drilling

and suspended drilling at 33 existing exploratory wells in the Gulf.

But a lawsuit filed by Hornbeck Offshore Services of Covington, La., claims the government arbitrarily imposed the moratorium without any proof that the operations posed a threat. Hornbeck says the moratorium could cost Louisiana thousands of jobs and millions of dollars in lost wages.

During Monday's hearing, Feldman asked a government lawyer why the Interior Department decided to suspend deepwater drilling after the rig explosion when it didn't bar oil tankers from Alaskan waters after the Exxon Valdez spill in 1989 or take similar actions in the wake of other industrial accidents.

"The Deepwater Horizon blowout was a game-changer," Montero said. "It really illustrates the risks that are inherent in deepwater drilling."

Feldman asked Rosenblum if it's true that a recent Securities and Exchange Commission filing by Hornbeck suggests "basically things are pretty good" for the company and it can survive the moratorium. Rosenblum said the full impact of the shutdown cannot be calculated.

"Thousands of businesses will be affected," he said. "These dominoes are falling as we speak."

Louisiana Gov. Bobby Jindal's office filed a brief supporting the plaintiffs' suit. A lawyer for the state told Feldman that the federal government did not consult Louisiana officials before imposing the moratorium, in violation of federal law.

Catherine Wannamaker, a lawyer for several environmental groups that support the moratorium, said six months is a reasonable time for drilling to be suspended while the government studies the risks and regulations governing the industry.

"The risks here are new," she said.

Government lawyers said the plaintiffs haven't seen much of the data that served as the basis for the Interior Department's decision to suspend drilling operations.

Secretary of the Interior Ken Salazar "wants to be sure deepwater drilling is as safe as we all thought it was on the day before the incident on April 20," said government lawyer Brian Collins.

U.S. District Judge Nancy Atlas in Houston listened to Monday's hearing over the telephone. Atlas is presiding over a similar case against the Interior Department filed by Diamond Offshore Co., which operates a fleet of drilling rigs.

Along the coast Monday, some cleanup workers reported progress.

On Barataria Bay off the coast of Louisiana, thick globs of oil that washed onto marshy islands a week ago

had disappeared, leaving a mass of stained bushes and partly yellowed grasses.

Blackened lengths of boom surrounded the islands, which were still teeming with brown pelicans, gulls and other seabirds, some with visible signs of oil on their plumage. Nearby, shrimp boats that have been transformed into skimmers hauled absorbent booms across the water's surface, collecting some of the remaining oil.

Crews aboard Navy and Coast Guard boats teamed with local fishermen using booms to funnel oil into a vessel and haul it away.

This is the area's new economy -- dependent as ever on the sprawling bay, but now those who made their living harvesting its bounty are focused on its healing.

"It looks 10 times better than it did a week ago," said Carey O'Neil, 42, a commercial fisherman idled by the spill who now provides tours of the damaged areas for media and government observers in his 23-foot boat anchored in Grand Isle. "But what impact will this have for the future -- two, three, four, even 10 years? That's what worries me."

The number of oil-soaked birds in the area is down significantly, from 60 or 70 a day at the triage center on Grand Isle to more like seven or eight, said Steve Martarano, a spokesman for the U.S. Fish and Wildlife Service.

"We've been sending 55 boats a day out pretty much since day one, when the oil hit this area, and so we feel like we've really made inroads," he said.

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## Gruenloh threatens lawsuit against BP for lost tax revenue

Published: Tuesday, June 22, 2010, 6:30 AM



**Douglas Coker**



Commissioner Wayne A. Gruenloh

ROBERTSDALE, Ala. -- Commissioner Wayne Gruenloh outlined a plan Monday that would force BP PLC to reimburse Baldwin County for tax revenue lost due to the ongoing Gulf oil spill.

In a Monday news conference, Gruenloh said his plan, if approved by the county, would threaten to sue BP for damages if the company does not provide reimbursement in a timely manner. BP owns the Deepwater Horizon well currently gushing oil into the Gulf of Mexico.

"Time is critical," he said, "And we continue to see a lack of action from BP."

Gruenloh, who faces challenger Tucker Dorsey in a July 13 runoff, said his main concern centers on the county's loss of tax revenue, including sales and rental taxes.

This June, he said, county ad valorem tax revenues were 50 percent lower than in June 2009.

And, Gruenloh said, the BP claims process does little to remedy this loss.

"The renters will be made whole (by BP)," he said, but the county will not be able to collect rental taxes on these reimbursements.

Kris Slager, a deputy incident commander for BP, said Monday that BP's goal has always been to "make

every legitimate claimant whole. If the commissioner feels that he has a legitimate claim," he said, "I encourage him to go through our claims process."

Gruenloh said the repercussions reach much farther than the loss of rental tax revenue. The loss of the renters and lessees, he said, will inevitably lead to a significant loss of sales tax revenue. In a county that collects more than 50 percent of its sales tax revenue in May, June, July and August, Gruenloh said, this crisis could threaten the vitality of Baldwin's tourist-driven economy.

"It's like watching someone die," he said. "You're sitting beside the bed and unable to help them."

In the face of this crisis, Gruenloh will petition fellow commissioners during their work session this morning to take aggressive action.

"I am requesting the commission direct our legal counsel to initiate discussions with the governor's legal counsel, the attorney general, and the general council of BP to secure reimbursement for the lost tax revenue" as quickly as possible, he said.

Commissioner Ed Bishop agreed with Gruenloh.

"I am in favor of this plan," he said Monday at the news conference. "Something has to be done." Bishop faces challenger Bob James in a July 13 runoff election for the District 2 seat.

Gruenloh said rapid reimbursement is the only way to avoid countywide budget shortfalls next year.

The loss of tax revenue affects every facet of county government, he said.

"With the loss of revenue, we will have to cut back on services. Our citizens should not have fewer deputies on the road, fewer teachers in the classroom, or fewer roads paved because of BP's mishandling," he said. BP must "(make) good on their commitment to make us whole."

While Gruenloh said the county should take legal action, he advised individuals to use the company's claims process.

"Just because we are going this route doesn't mean everyone should go this route," he said.

Commissioners Frank Burt and Charles "Skip" Gruber did not attend Monday's press conference and were unavailable for comment.

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Everything Alabama

## BP. Pay up, pay now

Published: Tuesday, June 22, 2010, 5:20 AM



**J.D. Crowe, Press-Register**



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JD Crowe 6/22/10

Today's press-Register editorial:

**Ditch the self-serving blather and pay claims**

IS IT really good news that BP has pumped \$16 million into Alabama's economy and another \$9.5 million into Mississippi's in the form of claims payments?

Hardly.

For BP to even suggest that it's boosting the Gulf Coast economy with the claims it's paying demonstrates a supreme arrogance. The response from the coastal states can be: The least you can do is turn claims around quickly to make up for the damage you've done.

Indeed, if more help doesn't come soon, a slick of bankruptcy will start tracking the Deepwater Horizon oil sheen as it moves along the coast over the next few months. Already, seafood processing is crippled and tourism is gasping for air. And that's not counting the full effects of the disaster, which may not be measurable for years.

Eventually, hope for a speedier process could come in the form of pay czar Kenneth Feinberg, who was appointed by President Obama to take over management of the \$20 billion claims fund from BP. Mr. Feinberg might be the man for the job, seeing as how he chaired the government's compensation fund for victims of the 9/11 attacks.

On Monday, he said he wants BP's claims process stepped up and made more transparent. He is right, and the states' elected officials can see that he makes good on this call to action.

So far, BP says it has made more than 32,000 payments, totaling more than \$105 million, on the more than 65,000 claims that have been submitted. The last word, however, was that the individual payments were relatively small -- estimated at less than \$3,000 in mid-June.

The smaller claims can usually be paid quickly. Take the condo owner who got a check within a day. But larger, more complex claims, like those typically filed by businesses, are taking much longer.

BP can do better by streamlining the process now and erring on the side of claimants who are in dire straits. Some local business people, for instance, have been told that they could get advance payments on their summer losses. If that's so, then this help has to come quickly if many are to survive. They may not have the luxury of waiting until the government takes over the claims process.

Gulf Coast governors, meantime, have to get involved and demand that BP pick up the pace on claims immediately. Mr. Feinberg has already met with the governors from Louisiana and Mississippi. He meets today with Alabama's Gov. Bob Riley. There may be no better time to demonstrate statesmanship than now, by reaching across geographical and political boundaries to demand action.

In the meantime, what are businessmen like Jerry Forte of Pass Christian, Miss., to do? He told The Associated Press on Friday that he hadn't seen a dime from the claim he filed a month ago. Now his seafood processing

business is all but shuttered.

To the east, on Alabama's Fort Morgan Peninsula, Greg and Susan Miller can't rent the 70 condos they manage or the eight they own themselves. How are they going to pay the mortgages on their properties?

There is only one answer to give them and others who are suffering: BP's claim checks *have* to start flowing faster.

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Everything Alabama

## Oil spill notebook: Larry King hosts special telecast for Gulf Coast

Published: Tuesday, June 22, 2010, 5:00 AM

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Press-Register staff



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(AP Photo/Peter Kramer, file)

Larry King raised over \$1 million for the Gulf Coast in a two-hour broadcast Monday night.

Talk show host Larry King hosted a special telecast Monday night featuring celebrities, naturalists, and prominent CNN reporters such as Andersen Cooper to raise money for the Gulf Coast's fight against the oil spill. More than \$1 million was donated in less than two hours during the show, titled "Disaster In The Gulf, How You Can Help."

One of the people featured, 11-year-old Olivia Boulter of New York, was shown painting and sketching in the CNN studio.

Boulter, who wants to be an ornithologist one day, explained how she has been sending paintings of Gulf Coast birds to people who have donated to organizations working to preserve Gulf Coast wildlife. She announced that she has raised about \$150,000.

"They're so fascinating," Boulter said of the birds she loves studying. "We need to preserve them. That's why I'm here."

Asked by King how she thought children can help fight the effects of the spill, Boulter said, "Kids should help by asking their parents to donate."

### **Blame car shortage on the oil**

Can't find a car to rent at Mobile Regional Airport? It's just one more thing you can blame on the oil spill.

Julie Bordes, a marketing manager for the Mobile Airport Authority, said people who come to Mobile to work with the spill response efforts have been keeping cars for longer periods of time than the typical customer, tying up the inventories of the rental agencies.

"There's not the usual amount of returns," Bordes said Monday. "They are running low, and they have been for the last two or three weeks."

Bordes said the rental firms are seeking to bring in extra vehicles from other locations to increase their inventories.

### **Jones calls for local control of resources**

After seeing oiled marshlands first hand along the Louisiana coast Wednesday, Mobile Mayor Sam Jones reiterated the need for Mobile to have more control over resources used to prevent oil from making landfall in the first place.

Jones toured the marshlands during an emergency meeting of the National Conference of Mayors in New Orleans.

Most skimmer boats under the command of the Coast Guard are deployed many miles out at sea near the site of the leak, Jones said, leaving coastal areas vulnerable to oil near to land.

Jones said Mobile is working with its disaster response contractor, DRC Group, a local firm, to formulate a plan that that would keep skimmers on hand if oil came within 25 miles of the city's coastline.

The mayor said that the skimmers wouldn't necessarily be kept exclusively for Mobile's use, only that they would be available if needed.

Jones also said that the city may petition BP PLC, owner of the leaking well, directly for additional relief funds. Up to now, Jones said, relief money dedicated to Alabama has been funneled through the state government.

### **Oil affecting public health**

Since May 14, when health officials began tracking the number, 29 patients have been treated for possible, suspected or known exposure to oil in coastal Alabama, according to the Alabama Department of Public Health.

Of the 29, 18 people were exposed via inhalation, eight patients had exposure through contact and three patients were exposed via ingestion, said Dr. Thomas Miller, assistant health officer for the Alabama Department of Public Health.

### **'Save the Gulf' shirts available at Shoe Station**

Shoe Station is now selling Girlie Girl "Save the Gulf" T-shirts in an effort to raise funds for coastal cleanup.

The T-shirts are available at all Shoe Station stores in Alabama, Mississippi, Florida and Louisiana. For every T-shirt sold, Shoe Station will donate \$3 to the Tri-State Bird Rescue, which is leading the wildlife rescue efforts following the Gulf oil disaster.

"The oil spill in the Gulf is nothing short of a tragedy," said Terry Barkin, president of Shoe Station. "We want to help in any way we can; our first thought was to put these T-shirts in our stores to raise funds to assist in cleaning our coastline."

The "Save the Gulf" shirts are available in sizes youth large through adult extra large for women and girls and sell for \$19.99.

To locate the nearest Shoe Station, look online at [www.shoestation.com/stores.aspx](http://www.shoestation.com/stores.aspx).


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Jun 22, 8:23 AM EDT

## Oil execs in London slam Obama's drilling ban

 By JANE WARDELL and JENNIFER QUINN  
Associated Press Writers

LONDON (AP) -- Oil industry executives on Tuesday sharply criticized President Barack Obama's six-month ban on deepwater drilling, saying the world did not have enough other sources of oil to eliminate using deepsea rigs.

The massive oil slick in the Gulf of Mexico and the moratorium imposed by Obama dominated discussions at the World National Oil Companies Congress in the British capital, and a BP executive standing in for embattled BP CEO Tony Hayward was heckled by protesters.

Transocean Ltd. president and CEO Steven Newman, owner of the destroyed Deepwater Horizon rig that has spewed millions of gallons of oil into the Gulf, said Obama's ban, which is currently being reviewed by a U.S. federal judge, was unnecessary.

"There are things the administration could implement today that would allow the industry to go back to work tomorrow without an arbitrary six-month time limit," Newman told reporters on the sidelines of the meeting.

Obama's ban reflects growing unease about oil companies seeking to drill farther out to sea and deeper than ever before. The process is expensive, risky and largely uncharted, highlighted by the April 20 explosion at the BP-operated rig that killed 11 workers and set off worst oil spill in U.S. history.

But the U.S. moratorium has been challenged in court. Judge Martin Feldman in New Orleans has said he will make a decision on it by Wednesday.



AP Photo/Charlie Neibergall



Obama's Restaurant Stops Give Long-term Boost

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Chevron executive Jay Pryor, also at the London conference, said the U.S. government's move would "constrain supplies for world energy."



"It would also be a step back for energy security," said Pryor, global vice president for business development at the U.S. company.

BP chief of staff Steve Westwell, who was heckled during a speech in which he stood in for Hayward, said "regulators around the world will obviously want to know what happened" to cause the blown-out well in the Gulf and change their procedures accordingly.

But he said deepwater drilling is needed as supplies of land and shallow water oil diminish.

"The world does need the oil and the energy that is going to have to come from deepwater production going forward," Westwell said. "Therefore, the regulatory framework must still enable that to be a viable commercial position."

Hayward pulled out of the conference Monday after stinging criticism for spending Saturday at England's Isle of Wight to see his yacht compete in a famous race, an outing that drew outrage on the Gulf coast and an acerbic response from the White House.

Westwell was interrupted twice during his address by protesters from Greenpeace shouting "we need to end the oil age!" The hecklers were escorted out of the central London hotel by security.

Shukri Ghanem, the head of Libya's National Oil Corp. who serves as the North African nation's de facto oil minister, said he was happy for BP to continue to operate in his country's territorial waters despite the blown-out well in the Gulf of Mexico.

Ghanem, who said he planned to meet with Hayward while in London, said the spill is "a real tragedy, but in a way it's exaggerated."

"It is unfortunate, but it is an opportunity to be more careful in the future," he said.

BP signed an exploration and production deal with Libya's National Oil Co. - worth at least \$900 million - in June 2007, going back into Libya for the first time in more than 30 years.

Libya's proven oil reserves are the ninth largest in the world, while vast areas remain unexplored for new deposits.

Outside the conference, one of the protesters, Emma Gibson, called on BP to end its investment in a controversial Canadian tar sands project and end deepwater drilling.

"We really need to speed up progress to end the oil age," Gibson told reporters.

Westwell declined to comment on BP's public battle with Anadarko Petroleum Corp., which has a 25 percent stake in the well, over who is responsible for the catastrophic failure of the Deepwater Horizon well, which has leaked more than 120 million gallons of oil already, according to the most pessimistic U.S. government estimates.

"We will need to wait for the investigation to conclude," Westwell said.



Westwell also declined to comment on what assets BP might sell off if the cost of the cleanup and the relief effort in the Gulf takes too heavy a toll. The company, which turned a \$16 billion profit last year, has spent \$2 billion fighting the spill for the last two months. It has also set up a \$20 billion fund to compensate victims.

Oil from the blown-out undersea well has been washing up from Louisiana to Florida, killing birds and fish and coating marshes, wetlands and beaches with tar balls and oily debris. A pair of relief wells considered the best chance at a permanent fix won't be completed until August.

Westwell said Hayward was "genuinely sorry" not to be at the conference, where he had been due to give a keynote address on about the global responsibilities of international oil companies.

"He and I both hope you understand his schedule is under incredible pressure at the moment," Westwell told delegates.

"He is the CEO," Westwell said when questioned about Hayward's position and whereabouts, adding that Hayward was in London attending to other company matters.

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AP reporter Andrew Khouri contributed to this report.

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Jun 22, 7:24 AM EDT

## Oil threatens key Gulf algae and its ecosystem

 By RAMIT PLUSHNICK-MASTI  
Associated Press Writer

DAUPHIN ISLAND, Ala. (AP) -- It looks dirty and muddy, a brown mass of weeds with gas-filled berries that allow it to float on the Gulf of Mexico's waters. Sometimes it washes ashore, getting caught in the toes of barefoot beachgoers or stuck to the bottom of flip-flops.

It appears to be just another sea plant.

But this Sargassum algae - sometimes called sea holly or Gulf weed - is key to hundreds of species of marine life in the Gulf. Now, the oil is threatening to suffocate it, dealing a blow to fisheries and the ecosystem that scientists say may take years to recover. And as the algae dies in the Gulf, less of the vital plant will reach the Sargasso Sea - some 3,000 miles away through the loop current - potentially harming that ecosystem as well.

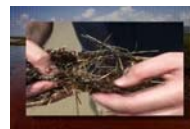
Already, oiled sea holly has washed ashore in Orange, Ala., and scientists are seeing larger patches of it mingling with the offshore oil slicks.

"We've seen Sargassum mats from the air co-occurring with oil slicks. They're in the same spot," said Sean Powers, a marine scientist at the University of South Alabama, who is using a National Science Foundation grant to track the seaweed and its surrounding marine life.

Sea holly washes up on Gulf of Mexico and East Coast beaches throughout the summer, jam-packed with tiny shrimp and crabs, little shells and sediment, a treasure trove for children. On this sandy barrier island, clumps of sea holly wash up, forming patches of brown on the white



AP Photo/Charlie Neibergall

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**Workers Looking for New Jobs After Drilling Ban**


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sand.

Like underwater coral reefs, these algae mats are critical habitats for marine life. Tuna, Mahi-mahi, dolphin fish, Billfish, shrimp, crabs and sea turtles all use the algae to spawn, sunbathe or hide from predators, often while noshing on it. The algae's own exclusive community-brown or yellowish fish with weed-like tails, unusual tiny shrimp and crab and unique seahorses, have adapted in color and behavior to live only there.

"Once it's oiled, from everything we know of the effects of oil, all of those animals that live in the Sargassum will die," Powers said.

Similar to phytoplankton - the nearly invisible floating plant life- sea holly is at the base of the marine food chain, said Dennis Heinemann, a fishery scientist with the nonprofit, Washington-based environmental group Ocean Conservancy.

Sea holly attracts so much marine life to it, fishermen congregate around the long weed lines formed by the algae, knowing it could increase their catch.

But experts say oil can kill the Gulf weed either by poisoning it or by restricting its ability to breathe or get sunlight.

Relying on the weed are 145 species of invertebrates, 100 fish species, 5 types of sea turtles and 19 different seabirds, said Ellycia Harrould-Kolieb, a marine scientist with the Washington-based nonprofit Oceana.

"They're trained to cue in on that Sargassum," Powers said, pointing specifically to younger fish and animals. "It's the only structure out there that provides them any refuge from predators."

Unlike land plants, Sargassum has few seeds and propagates by splitting off, creating new growth. When it dies, it leaves little behind. Powers estimates it would take at least three years to recover to pre-oil spill Sargassum levels, possibly longer.

While animals are resilient, habitat is not, said Bob Shipp, chairman of the Department of Marine Sciences at the University of South Alabama.

Past experience, including the 1989 Exxon Valdez oil spill in Prince William Sound, shows that if a habitat is harmed, the ecosystem will never recover in the same way. The herring that had once been a mainstay of the Alaskan sound never returned after the spill, partly because its foraging habitat had been destroyed, he said.

"We could see a whole new system created following the spill, and not a good one," Shipp said, noting a great deal of the Gulf economy relies on robust fisheries of red snapper, grouper, trout, flounder, bluefin tuna and other seafood.

"The ripple effect is going to be very extensive," Shipp said.

Sargassum is also awash in legend, including stories about vessels getting stuck in the Sargasso Sea's thick algae mats, some covering acres of the water's surface. Gulf of Mexico tourists sometimes view it as trash, annoyed it is not cleared off beloved white sandy beaches. Recently, some people have mistaken dead strands of Sargassum for oil washing up on Gulf beaches.

Until about two years ago, it was believed the Sargassum found in the Gulf originated in the North Atlantic.

Satellite images and research have shown, however, that the Sargasso

Sea actually gets its algae mats from the Gulf, where the seaweed grows and propagates before getting pushed east through the loop current, around Florida and into the central North Atlantic.

"That would mean that the Sargassum that's lost in the Gulf will impact the weed in the North Atlantic, the tuna, the fisheries," Powers said. "This could have a larger effect."

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Source: Daily Environment Report: News Archive > 2010 > June > 06/22/2010 > News > Drilling: Industry Seeks Clarity on New Requirements As Offshore Permit Requests Stall at Interior

**118 DEN A-12**

### ***Drilling***

## **Industry Seeks Clarity on New Requirements As Offshore Permit Requests Stall at Interior**

Oil and gas companies are seeing their permit requests for offshore operations log-jammed at Interior Department headquarters as the department revamps its offices and personnel and applies new operational requirements, according to industry officials.

Interior's Minerals Management Service has been renamed and is in the process of being pulled apart. Amid the organizational changes, directives have been issued in the form of notices to lessees and operators that have imposed new information requirements and operational measures to increase safety and protect the environment (96 DEN A-22, 5/20/10).

Industry officials told BNA that permit requests for offshore drilling and other operations are stalled at headquarters—approval decisions historically have been made by regional officials—where agency personnel must decide whether the new requirements are being met.

"The operators right now are struggling to find out what they have to do to comply," said Allen Verret, executive director of the Offshore Operators Committee, an industry group. "We're paralyzed because the agency we're trying to deal with is in a state of flux."

Industry groups have been analyzing the new requirements and meeting with Interior personnel to sort out exactly what the requirements are and how companies can comply, said Andy Radford, senior policy adviser for offshore issues at the American Petroleum Institute.

"Hopefully we can get a clear set of guidelines so that we can get our rigs back to work and our people back to work," Radford said.

### **Uncertainties, Repercussions**

It has been standard practice for notices to lessees and operators to serve as clarifications, when the application of a regulatory requirement is in doubt. But the notices issued June 8 and June 18 are dramatically different in content and style from notices issued before the Deepwater Horizon explosion and oil spill in the Gulf of Mexico, Verret said.

A moratorium currently covers all deepwater offshore work. In shallower water, companies continue to seek permits for drilling and for the preparations for oil or gas field production that the industry calls "completion" and the well maintenance work that the industry calls "workovers."

Industry has encountered such uncertainties as a new requirement for third-party verifications of equipment readiness that has not specified what organizations can qualify as third-party reviewers, Radford said.

Another new requirement is for a "general statement by the operator's Chief Executive Officer (authorized official) certifying the operator's compliance with all operating regulations at 30 C.F.R. 250" as specified in the June 8 notice to lessees. That CEO certification must be received by 5 p.m. Eastern Time June 28.

But the regulations in the Code of Federal Regulations at 30 C.F.R. 250 are very extensive—"three or four inches thick" was the way Verret put it—and some companies have many offshore projects, all of them highly complicated technological operations. That has raised industry concerns about the realism of the CEO certification requirement, especially because criminal penalties can be attached, Radford said.

### Industry Input, Federal Rules

Stressing efforts at cooperation, Radford said some industry recommendations appear to have been accepted by Interior. In particular, he said industry had recommended a system similar to what Britain and Norway use in terms of checklist documents for the oil or gas company and a drilling contractor, and a "bridging document" to fit those operator and contractor requirements together.

Asked whether Interior was using notices to lessees in a way that might amount to rulemaking, Radford avoided judgment. "It is a fine line that needs to be looked at," he said.

Interior also intends to go through the rulemaking process for any requirements that it has deemed beyond the scope of a notice to lessees. Rulemakings must follow the dictates of the Administrative Procedure Act, which involves such steps as public comment and time frames that can take several months to several years.

### MMS Officially Gone

As of a June 18 secretarial order issued by Interior Secretary Ken Salazar, MMS has been renamed the Bureau of Ocean Energy Management, Review, and Enforcement. Salazar on June 21 swore in attorney Michael Bromwich—without a specified title—to lead the reforms (114 DEN A-12, 6/16/10).

Those reforms will include the assignment of royalty collection to a new, separate office. But whether the redrawing of the organization boxes will improve regulatory oversight is an open question, which has been raised by such people as Rep. Jim Costa (D-Calif.), who chairs the House Natural Resources Subcommittee on Energy and Mineral Resources (116 DEN A-10, 6/18/10).

"What we're looking for is an efficient process, and an effective program," Radford said.

Salazar is scheduled to testify June 23 about the reorganization during a hearing of the Senate Appropriations Subcommittee on Interior, Environment, and Related Agencies.

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*By Alan Kovski*

*Interior notices to lessees can be found under the heading "Headquarters Notices to Lessees" at <http://www.mms.gov/ntls/>, where the top three notices (dated June 18, June 8, and May 30) involve reactions to the Deepwater Horizon explosion and oil spill.*

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## Daily Environment Report<sup>TM</sup>

Source: Daily Environment Report: News Archive > 2010 > June > 06/22/2010 > News > Oil Spills: Chemical Safety Board Opens Investigation Into Causes of BP's Oil Rig Explosion

118 DEN A-9

### *Oil Spills*

### **Chemical Safety Board Opens Investigation Into Causes of BP's Oil Rig Explosion**

The U.S. Chemical Safety and Hazard Investigation Board will investigate the cause of the explosion that destroyed the Deepwater Horizon rig at the BP PLC well in the Gulf of Mexico, killing 11 workers and injuring 15 others, the agency told the House Energy and Commerce Committee in a June 21 letter.

The committee requested that the Chemical Safety Board examine whether the circumstances and events leading up to the Deepwater Horizon explosion reflect problems in BP's corporate safety culture and if parallels exist between the explosion and the 2005 Texas City refinery explosion that killed 15 workers.

The board's investigation of the 2005 explosion led to the formation of an independent review panel of BP's corporate safety culture that found management systems did not establish process safety as a core value. The board pledged, however, to proceed with the Deepwater Horizon investigation independent of those findings.

"We should be clear that we're starting with an open mind and we don't have preconceived notions about where the issues are," Chemical Safety Board Chairman John Bresland told BNA June 21. "We do know a fair amount about BP from our 2005 investigation, but we'll start from scratch."

BP pledged to cooperate with all ongoing government investigations, including the board's, and continue its own internal probe of the accident, Robert Wine, a company spokesman, told BNA. Wine declined to answer more detailed questions about the board investigation.

### **Review to Go Back Two Years**

The safety board will investigate the period extending from two years before the explosion "up until the moment the blowout preventer didn't work," Bresland said. However, it will not investigate the disaster response because it is beyond the board's current resources and abilities.

The investigation will be run by Don Holmstrom, supervisor for the agency's Western Regional Office of Investigations, and will be coordinated with President Obama's special commission, the Minerals Management Service, and other agencies, Bresland said. He added that he was confident that the board would be given access to relevant information and evidence.

"Our investigations are completely independent," Bresland said. "The American public is depending on everyone to do a good solid investigation."

### **Board Must Divert Resources**

To undertake an investigation of the Deepwater Horizon explosion, the CSB will have to rapidly conclude its Kleen Energy plant and ConAgra Slim Jim factory investigations as it grapples with a record-high caseload, the agency said.

Including the Deepwater Horizon accident, the board currently has 21 ongoing investigations.

In addition, it will have to tap \$847,000 in emergency funding to hire relevant experts for the probe and will request supplemental funding from Congress to complete the work, Bresland said.

While the board hopes to determine an exact figure later this week, he added, the average agency investigation costs approximately \$500,000 while the BP Texas City probe, the most expensive in agency history, cost approximately \$2.5 million.



Source: Daily Environment Report: News Archive > 2010 > June > 06/22/2010 > News > Oil Spills: Senators Want Escrow Fund in Law To Cover Damages From Future Oil Spills

**118 DEN A-11**

### ***Oil Spills***

## **Senators Want Escrow Fund in Law To Cover Damages From Future Oil Spills**

Senators introduced a bill June 21 requiring oil and gas companies to set up escrow accounts before they conduct deepwater drilling.

The legislation (number not yet available) is based on the \$20 billion trust fund that BP Plc has agreed to establish to pay damages and claims resulting from the Gulf oil spill (115 DEN A-10, 6/17/10).

BP will not pay the \$22 billion all at once, but incrementally over the next four years.

The escrow fund is not a limit on BP's liability for the oil spill, which is still not stopped, but it should help Gulf Coast citizens and business get their claims settled faster.

Sens. Mark Begich (D-Alaska), Ron Wyden (D-Ore.), and Amy Klobuchar (D-Minn.) said the Guaranteed Oil Spill Compensation Act would require any company that has been responsible for a past oil spill to deposit an escrow account held by the federal government before any new drilling on federal oil and gas leases could take place.

The fund would have enough money to compensate those affected if a spill should occur.

"We need to make sure no American will ever again have to suffer what Alaskans did after the 1989 Exxon Valdez spill, waiting while Exxon fought the legitimate claims of thousands harmed by the spill for nearly two decades," Begich said.

Giving the escrow fund concept the force of law will provide a "legislative hammer" to guarantee that victims of oil spill pollution are compensated, the senators said.

### **Senators Head to White House for Talks**

A clearer picture of the Senate's agenda for the summer should emerge following a key meeting June 23 between President Obama and senators of both parties to discuss prospects for energy and climate legislation.

Senate Majority Leader Harry Reid (D-Nev.) plans to meet with his Democratic committee chairmen June 24 to continue working on ideas that may have enough support to make it through the 60-vote Senate.

### **House Judiciary to Update Laws**

The House Judiciary Committee is scheduled to mark up a bill (H.R. 5503) June 23 that would update three outdated laws so that victims and the victims' families can receive adequate compensation in the event of death or injury involving offshore oil and gas operations.

The bill, sponsored by House Judiciary Chairman John Conyers (D-Mich.) and Rep. Charlie Melancon (D-La.), is called the Securing Protections for the Injured from Limitations on Liability Act.

The bill would amend the Death on the High Seas Act and the Jones Act, both dating from 1920, to permit recovery of nonpecuniary damages, such as pain and suffering and loss of companionship, by the victim's family.

The bill would repeal the Limitation on Liability Act, dating from 1851, which was designed to limit the liability of merchant ship owners to the value of the ship and its cargo.

The bill also would clarify the class-action rules so that impacted states can seek effective legal



remedies in their own courts.

Restrictions on disclosing information about offshore oil spills and other pollutants would be rendered unenforceable.

The bill would strengthen bankruptcy rules to prevent energy industry companies from severing their assets from the legal liabilities they owe victims of oil spills.

All of the changes would apply to current and future claims, including the BP oil spill.

### **No Shortage of Oil Spill Bills**

Several members of Congress are drafting reform legislation focusing on oil spill liability, offshore drilling procedures, and reorganizing the Minerals Management Service.

Senate Environment and Public Works Chairman Barbara Boxer (D-Calif.) plans to mark up legislation removing limits on oil spill liability for oil and gas companies in the next two weeks before the July 4 recess, a committee staffer said.

Other Senate and House committees are drafting legislation. Four oil-spill related hearings are scheduled the week of June 21 in House Natural Resources, House Science, Senate Energy, and Senate Appropriations.

Begich said he intends to introduce more bills, including funding an expansion of scientific research, especially in the Arctic. Other committees are expected to schedule markups over the next two weeks.

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*By Lynn Garner*

*Text of the bill to require oil and gas companies to set up escrow accounts before they conduct deepwater drilling is available at <http://op.bna.com/der.nsf/r?Open=palo-86mtyr>.*

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## Oil agency renamed, gets director

Bureau of Ocean Management chief: BP spill calls for 'stronger oversight'

**msnbc.com staff and news service reports**

updated 3:32 p.m. CT, Mon., June 21, 2010

WASHINGTON - Pursuing reforms announced after the BP spill, Interior Secretary Ken Salazar on Monday swore in a former federal prosecutor as director of a new government agency to oversee offshore drilling and other oil and gas development.

A former assistant U.S. attorney and Justice Department inspector general, Michael Bromwich will lead a reorganization of the agency formerly known as the Minerals Management Service.

"The BP oil spill has underscored the need for stronger oversight of offshore oil and gas operations, more tools and resources for aggressive enforcement, and a more effective structure for the agency that holds companies accountable," Bromwich said in a statement. "We will move quickly and responsibly on our reforms."

Bromwich's arrival Monday coincides with a secretarial order signed by Salazar renaming the agency the Bureau of Ocean Energy Management, Regulation and Enforcement. The previous agency was criticized for a cozy relationship with oil companies and lax oversight.

The Obama administration plans to break up the agency into three separate entities to eliminate conflicts of interest.

BP has spent \$2 billion in two months of fighting its Gulf of Mexico oil spill and compensating victims, with no end in sight to the disaster or the price tag.

The British oil giant released its latest tally of response costs Monday, including \$105 million paid out so far to 32,000 claimants. The figure does not include a \$20 billion fund that BP PLC last week agreed to set up to continue compensating Gulf residents and businesses. There are also scores of lawsuits piling up against BP for the April 20 rig explosion that killed 11 workers and ensuing oil spill that has yet to be capped.

In New Orleans, meanwhile, a federal judge hearing an oil industry challenge to the Obama administration's six-month ban on deepwater drilling in the Gulf of Mexico said on Monday that he will rule on the case no later than Wednesday.

### Video: La. steps up mission to save barrier islands

Also Monday, the man President Barack Obama picked to run the \$20 billion damage fund said many people are in "desperate financial straits" and need immediate relief.

"Do not underestimate the emotionalism and the frustration and the anger of people in the Gulf uncertain of their financial future," Kenneth Feinberg told interviewers. "It's very pronounced. I witnessed it firsthand last week."

Feinberg, who ran the victims claim fund set up in the wake of the Sept. 11, 2001, terrorist attacks, said he is determined to speed up payment of claims.

Shares of BP, which have lost about half their value since the rig Deepwater Horizon burned and sank off the Louisiana coast, were down nearly 5 percent Monday in London trading at \$5.06. The rig was owned by Transocean Ltd. but run by BP.

BP also argued that its partners in the oil well project must share responsibility for the disaster costs. BP owned 65 percent of the well, while Anadarko Petroleum Corp. had 25 percent stake and a subsidiary of Mitsui

& Co. Ltd. of Japan had a 10 percent stake.

Anadarko said Friday the joint operating agreement made BP responsible for any damage due to gross negligence or willful misconduct. BP shot back Monday that all the partners shared in liability for oil spill damages.

### **Hayward in hot water**

BP chief executive Tony Hayward could be in more hot water over his day off attending a yacht race.

Hayward has been criticized for being tone-deaf to U.S. concerns about the worst oil spill in American history. He's already angered Gulf residents by saying he wanted his "life back."

British environmental groups immediately slammed Hayward's outing as did Rahm Emanuel, Obama's chief of staff.

A company statement calls it "a rare moment of private time" for Hayward and says "no matter where he is, he is always in touch with what is happening within BP."

Greenpeace says by taking part in the glitzy event, Hayward is "rubbing salt into the wounds" of those whose livelihoods have been wrecked by the oil spill.

On CBS's "Face the Nation," Senator Richard Shelby (R-AL) called on Hayward to resign. He described his attendance at the yachting race as the "height of stupidity."

On Monday, BP announced that Hayward had canceled a scheduled appearance at a London oil conference on Tuesday. Spokesman Jon Pack said that Hayward's "very heavy schedule of commitments to the Gulf of Mexico" had led him to cancel his appearance at the World National Oil Companies Congress.

### **125 million gallons so far**

Meantime, the best hope of ending the disaster rests on teams drilling two relief wells meant to stop the seafloor oil gusher, a daunting task: Their drills have to hit a target roughly the size of a salad plate about three miles below the water's surface.

If the workers aboard Transocean's Development Driller II or its sister rig DDIII miss or move too slowly, oil will keep pouring into the sea. As much as 125 million gallons of oil has gushed into the Gulf.

No one on the rig has done this before because these deep sea interventions are so rare. But rig workers brushed off worries and the pressure to succeed.

"It's really not a tough thing to do," says Mickey Fruge, the wellsite leader aboard the DDII for BP, which was leasing the rig that blew up and is responsible for stopping the oil.

### **Problems with the rig?**

Separately, a Deepwater Horizon worker identified a leak in the doomed rig's safety equipment weeks before the explosion which sparked the worst environmental disaster in U.S. history, the BBC reported Monday.

Tyrone Benton told the Panorama program that the faulty blowout preventer was shut down. A second device was relied on.

Benton said a problem was found with the blowout preventer's control pods, which contain electronics and hydraulics. The blowout preventer is considered a critical piece of safety equipment.

### **Video: Leak making Gulf waters toxic**

Benton said his supervisor contacted BP and rig owner Transocean about the leaks when they were discovered. He said he does not know whether or not the leaking pod was turned back on before the Gulf

of Mexico disaster.

When the Deepwater Horizon rig exploded on April 20, the blowout preventer failed.

"Too many jobs were being done at one time," Benton told the BBC. "It should have just really slowed down and just took one job at a time, to make sure everything was done the way it should have been." Benton is now suing BP and Transocean for negligence.

According to the BBC, BP responded to the claims by saying that Transocean was responsible for the operation and maintenance of the blowout preventer. Transocean said the device had been successfully tested before the disaster.

*The Associated Press contributed to this report.*

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June 21, 2010

# Notes From Wake of Blowout Outline Obstacles and Frustration

By **HENRY FOUNTAIN**

In the first frantic days after the blowout of the [oil](#) well in the Gulf of Mexico, crisis managers in Houston, concerned about the potential for an even greater catastrophe, weighed the risks of using more aggressive methods to try to control the well or leaving it alone, according to meeting notes and other documents.

“Is the well safe?” one participant wrote in a daily log after a senior management meeting among executives from [BP](#) and other companies on April 23, less than three days after the explosion and fire aboard the Deepwater Horizon rig. “What are the risks?”

The participant in the meeting described a “noninvasive, but ready” approach that involved monitoring the blowout preventer, the massive stack of safety devices 5,000 feet underwater that failed to stop the blowout. “Do nothing that will risk its current state, that would/could disturb its status,” the participant, who was not identified by name in the log, wrote. “No pumping on, drilling holes, unbolting, unscrewing.”

The handwritten log was among hundreds of pages of unreleased documents obtained by The New York Times in which managers describe the desperate bid to control the subsea gusher that has spewed millions of gallons of oil into the gulf.

Covering roughly the first month of the crisis, they provide a vivid, though incomplete, picture of what were mostly unsuccessful engineering efforts to seal the well or contain the leaking oil. These efforts were hampered by the lack of information on the condition of the well, logistical problems, unexplained delays and other obstacles, the documents show.

There are moments of great frustration recorded in the documents, especially over the inability to activate the devices on the blowout preventer with robotic submersibles.

Upon discovering that one safety device, called the middle pipe ram, or M.P.R., had been

modified years before — meaning that more than a week’s worth of effort to activate it had been doomed from the start — one engineer was obviously displeased. “So for approx. 10 days, we have been closing on M.P.R. port,” the engineer wrote. “But in reality it was the lower pipe rams. This is a modification to the original system.”

There are frequent complaints about problems in getting material and equipment to the right places at the right times, all on short notice.

“Logistics have been horrible,” one manager wrote on May 6, as preparations were under way for the top kill, in which heavy drilling mud was pumped down the well in a failed effort to seal it.

“Still more delays with no explanation as to why!!!” another manager wrote on May 23 while waiting for the Q4000, a drilling rig involved in the top kill, to maneuver into position.

“Multiple delays incurred for poor planning on the Q4000.”

Other delays had nothing to do with logistics.

“Can’t work on pod till the lawyers show up,” a manager wrote, referring to an effort to rebuild one of the blowout preventer’s control pods, which had been brought to the surface. The preventer and all its accompanying equipment will be critical evidence in investigations of the disaster.

In the documents, it is concern about the condition of the well that stands out, particularly in the days after the Deepwater Horizon sank and the riser pipe that attached it to the well head collapsed in a tangle on the seabed.

At one point an engineer noted a report that temperatures were rising in the riser pipe as hot oil from the reservoir deep below shot out through it. “Riser skin temp is as high as 165F!” the engineer wrote, the numbers double-underlined for emphasis. “Bad for annular!” The blowout preventer had two annulars, safety devices that consist of large doughnuts of rubber that can be squeezed around pipe to control flow.

The April 23 meeting included senior management from BP; [Transocean](#), the owner of the drilling rig; [Cameron](#), which made the blowout preventer; and Wild Well Control, which had been brought in to help in the capping effort. Among the BP executives listed as attending were “Andy Angles,” presumably Andy Inglis, head of exploration and production, and “Tony Haywood,” presumably [Tony Hayward](#), the company’s chief executive. The purpose of the meeting, according to the notes, was to review “what has been done and what the options are ahead.”

“We have to take a noninvasive approach and not broach/risk what we have now in regards to stability of the well,” the notes continued.

The list of noninvasive steps included X-raying the blowout preventer, deploying a containment dome to capture some of the leaking oil and assessing the well site with sonar and other technologies. Invasive approaches included “crimping” — of the riser pipe or something else is not clear — and closing the devices on the blowout preventer by using submersibles.

In fact, some of the submersible work had already begun. On April 22, two days after the blowout and less than 12 hours before the rig sank, submersibles had tried to trigger a dead-man function on the preventer. Later that day, other efforts were made to activate other devices, all to no avail. But the meeting may at least have caused the engineers to pause and think through their procedures, for according to the timeline the next subsea effort to activate the preventer did not occur until April 25.

It is also clear from the events of those first few weeks that as managers got more comfortable with the condition of the well, they realized that invasive efforts were needed. Engineers continued to work on the preventer with submersibles, and started preparing for the top kill, a procedure that entailed some risk because to succeed it would first have to build up pressure at the top of the well. In fact, one reason BP gave for ending the unsuccessful effort was concern that the pressure might damage the well and make the situation worse.

The documents also show that, as BP has said, engineers were working on many ideas at once. As it was becoming clearer that the blowout preventer could not be made to work, they were developing plans for a dome to be placed over the oil spewing from the end of the riser. “Containment is goal,” an engineer wrote on May 2.

The same day another engineer noted that a rig to drill the first of two relief wells — the ultimate solution to stopping the gusher — was in place at the site, but that weather was delaying the start of drilling.

The documents also give a flavor of the improvisational, never-before-experienced nature of the work. There are crude on-the-fly drawings of equipment and schematics, as well as pressure calculations and other chicken-scratchings. But other notes are far more elaborate and detailed, including a 10-page step-by-step procedure for removing one of the control pods on the blowout preventer, complete with annotated pictures, that apparently was put together in just a few days.

There are moments of improvisation, with the engineers displaying the ingenuity of a shade-tree mechanic. When there is doubt whether one of the submersibles is pumping hydraulic fluid

at a fast enough rate to activate part of the blowout preventer, the engineers have the submersible aim the flow at a plate on the preventer that is covered with silt. "It took a minute with pump engaged and finally saw some light movement of silt," one engineer wrote. "Certainly not equivalent to 5-7 gallons per minute flow supposedly being pumped."

Amid all the concern and frustration there are even some lighthearted moments, as when a manager refers to the "junk shot," an effort to clog the blowout preventer with debris, by a more scatological term.

On May 5, a large stand needed to support the control pod when it was brought to the surface was missing in transit. "Pod stand shipped from Berwick is lost at dock or on another vessel," one engineer wrote. "They are searching for it. I sent them picture of stand loaded on truck in Berwick prior to leaving to docks, to use in vessel and dock search."

"Pod retrieval on hold while looking for pod stand," the engineer wrote several hours later.

By the next day, though, the stand had been found and the effort to bring it up from the sea floor began again.





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# New Orleans asking BP for \$75 million tourism grant

By the CNN Wire Staff

## STORY HIGHLIGHTS

- Official: Request akin to booms on a beach
- Tourism dominates New Orleans economy
- City 'looks better than it's looked in six years'

(CNN) -- Hoping to send the message that the Big Easy is open for business, the city of New Orleans has asked BP for a grant of \$75 million over three years to mitigate any long-term effects the Gulf oil disaster may have on its tourism, the head of the city's Convention and Visitors Bureau told CNN Monday.

Stephen Perry likened the request, made in a letter from New Orleans Mayor Mitch Landrieu, to placing booms in front of a marsh or a beach. "You want to be protected. You don't want the damage to come," he said.

Tourism dominates the New Orleans economy, he said, providing 70,000 jobs and a third of the city's operating budget. The BP request is "a pre-emptive approach," he said.

The first five months of the year, New Orleans was the top U.S. destination, he said, but "we're worried about what's going to happen next." And the city wants to fight the perception, as the letter says, that the city is "covered in oil."

"We think we are going to get this money," he said. "... What is so critical is, if we get this, we can literally mitigate potentially billions of dollars of damage here."

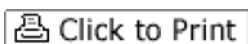
The money, he said, will go into marketing efforts to support tourism, a \$5- to \$7 billion "image and perception-driven" business.

"We've got to make sure the American public understands, when you come to New Orleans, you're getting a New Orleans that looks better than it's looked in six years," he said.

While the city has yet to see any cancellations stemming from the Gulf oil disaster, people are beginning to wonder if it's the right time to visit, Perry said. "The answer is, it's the best time there is."

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<http://www.cnn.com/2010/US/06/21/gulf.oil.new.orleans/index.html?hpt=Sbin>

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Jun 21, 2:09 PM EDT

## La. companies ask judge to end drilling moratorium

By [MICHAEL KUNZELMAN](#)  
Associated Press Writer

NEW ORLEANS (AP) -- Companies that ferry people and supplies to offshore oil rigs asked a federal judge Monday to lift a six-month moratorium on new deepwater drilling projects imposed in the aftermath of the massive Gulf spill.

U.S. District Judge Martin Feldman heard two hours of arguments Monday and said he will decide by Wednesday whether to overturn the ban imposed by President Barack Obama's administration after the Deepwater Horizon rig explosion.

The April 20 disaster killed 11 workers and blew out a well that has gushed anywhere from 68 million to 126 millions of oil into the Gulf.

BP said Monday it has spent \$2 billion in two months fighting the spill and compensating victims, with no end in sight. It's likely to be at least August before crews finish two relief wells that are the best chance of stopping the flow of oil.

The British oil giant released its latest tally of response costs, including \$105 million paid out so far to 32,000 claimants. The figure does not include a \$20 billion fund that BP PLC last week agreed to set up for Gulf residents and businesses hurt by the spill.

Kenneth Feinberg, who has been tapped by President Barack Obama to run the fund, said many people are in desperate financial straits and need immediate relief.

"Do not underestimate the emotionalism and the frustration and the anger of people in the Gulf uncertain of their financial future," he said.

Feinberg, who ran the claim fund set up for victims of the Sept. 11, 2001, terrorist attacks, said he is determined to speed payment of



AP Photo/Patrick Semansky

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claims.

Shares of BP, which have lost about half their value since the rig Deepwater Horizon burned and sank off the Louisiana coast, fell nearly 3 percent Monday in New York trading to \$30.86. The rig was owned by Transocean Ltd. but run by BP.

BP chief executive Tony Hayward canceled a scheduled Tuesday appearance at a London oil conference, citing his commitment to the Gulf relief effort. The last-minute pullout followed stinging criticism of Hayward's attendance at a yacht race on the Isle of Wight off the coast of southern England on Saturday.

Obama's administration has also been struggling to show it is responding forcefully to the spill. As part of that effort, the Interior Department halted the approval of any new permits for deepwater drilling and suspended drilling at 33 existing exploratory wells in the Gulf.

But a lawsuit filed by the Covington-based Hornbeck Offshore Services of Covington, La., claims the government arbitrarily imposed the moratorium without any proof that the operations posed a threat. Hornbeck says the moratorium could cost Louisiana thousands of jobs and millions of dollars in lost wages.

"This is an extraordinary time for the Gulf Coast. It calls out for an extraordinary remedy," plaintiffs' attorney Carl Rosenblum said in court Monday.

Government lawyers said the Interior Department has demonstrated that industry regulators need more time to study the risks of deepwater drilling and identify ways to make it safer.

"There is a lot the department does not know, and that's precisely why it's important to conduct these studies and learn more," said Justice Department attorney Guillermo Montero.

Feldman asked a government lawyer why the Interior Department decided to suspend deepwater drilling after the rig explosion when it didn't bar oil tankers from Alaskan waters after the Exxon Valdez spill in 1989 or take similar actions in the wake of other industrial accidents.

"The Deepwater Horizon blowout was a game-changer," Montero said. "It really illustrates the risks that are inherent in deepwater drilling."

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Associated Press Writer Robert Barr in London contributed to this report.

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#### Multimedia



An interactive look at the business impact of the oil spill.



A look at the environmental impact of the Gulf oil spill.



Tracking the Gulf Oil Spill



Oil Spill Poll

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# Oil spreads as politicians make waves

10:55 AM CDT on Monday, June 21, 2010

FROM WIRE REPORTS Los Angeles Times, The Associated Press

The effects of the Gulf of Mexico oil spill continued to spread eastward Sunday, leaving tar balls along the white beaches of the Florida Panhandle, while Washington lawmakers maneuvered through the tricky political currents of the unprecedented environmental disaster.

Navarre Beach was among several tourist-dependent West Florida towns where tar balls were reported Sunday. But even though everyone knew the oil had come and millions more gallons were threatening offshore, many tourists happily indulged in sand and surf anyway.

Caitlyn Blizzard, an assistant in the [Santa Rosa](#) County public information office, said despite the official report of tar balls, she walked Navarre Beach on Sunday morning and saw none.

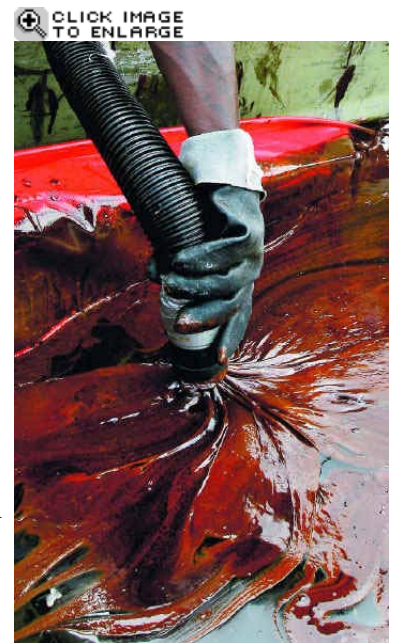
"People are in the water right now on Navarre Beach," she said Sunday afternoon. "The water's clear."

Cortnee Ferguson, a spokeswoman for the Deepwater Horizon unified response in Mobile, Ala., said "strike teams" were established along the coast to pick up tar balls as they were reported.

In Washington on Sunday, the office of Rep. [Edward Markey](#), D-Mass., made waves with the release of an internal BP document that described a number of possible flow rates from the well, including one estimate that as many as 4.2 million gallons per day could gush out if the equipment around the top of the well, including the failed blowout preventer, were removed.

In a news release, Markey's staff said at the time [Congress](#) received the document, BP officials were telling lawmakers that a little more than 2.5 million gallons per day was their worst-case scenario. Markey, a member of the [House Energy and Commerce Committee](#), said in a prepared statement that the document raised "very troubling questions about what BP officials knew and when they knew it."

But the equipment remains at the top of the well. BP doesn't plan to remove it until relief wells enable the company to plug the gusher, spokesman Toby Odone said. He called the 4.2 million number "obviously a



PATRICK SEMANSKY/The Associated Press  
**James McGee vacuums oil** in Barataria Bay on Louisiana's coast. About 1.5 million to 2.5 million gallons of oil gush daily from [BP's](#) well.

theoretical calculation based on the removal of the blowout preventer."

"It's not like anybody's trying to hide anything," he said.

Odone said BP gave the document to Congress on May 4. Markey's office did not respond to queries about why it had waited until now to release it.

Markey accused BP of incompetence at the minimum.

"Right from the beginning, BP was either lying or grossly incompetent," Markey said on NBC's *Meet the Press*.

[White House](#) Chief of Staff [Rahm Emanuel](#) also criticized BP, but he saved his harshest words for congressional [Republicans](#). Emanuel said Rep. [Joe Barton's](#) apology to BP last week should remind voters of what would happen if the GOP won control of the House this fall.

Barton, of Arlington, the top Republican on the House Energy and Commerce Committee, apologized to BP at a House hearing Thursday for what he called a White House "shakedown" that resulted in BP agreeing to establish a \$20-billion claims fund for individuals and businesses hurt by the spill. Hours later, under pressure from Republican leaders, Barton retracted his apology, but Emanuel said Sunday it reflected the philosophy of Republicans in general.

"The approach here expressed and supported by other voices in the Republican Party sees the aggrieved party as BP, not the American – not the fishermen and the communities down there affected," Emanuel said on ABC's *This Week*.

"And that would be the governing philosophy. And I think what Joe Barton did is remind the American people, in case they've forgotten, this is how the Republicans would govern."

The day before Barton's apology, a conservative group in the House, the Republican Study Committee, called the BP agreement "a Chicago-style political shakedown." Conservative radio commentator [Rush Limbaugh](#), among others, also criticized the pact.

On Sunday, the House Minority Leader, Rep. [John A. Boehner](#), R-Ohio, criticized the Obama administration's reaction to the leak, saying it "has been slow" and that federal regulators have fallen down on the job.

"This is a failure of government," Boehner told *This Week*. "Government is there to protect our shores, to protect our environment."

Gulf Coast politicians from both parties tempered earlier criticism of the federal government's response to the spill.

"I think the federal government's done more right than wrong," Mississippi Gov. [Haley Barbour](#), a Republican, said on NBC's *Meet the Press*.

Sen. [Mary L. Landrieu](#), D-La., told *Meet the Press* that after initial dismay at the federal response, she has seen "in the last several weeks, much more of the team coming together" to mitigate the spill damage.

The federal government estimates that 1.5 million to 2.5 million gallons of oil are gushing daily from the well. BP is continuing its attempt to build a system to collect it all and says a system that can handle up to 3.4 million

gallons daily could be ready as early as mid-July.

On Saturday, Odone said, the current system took up about 924,000 gallons of oil.

The long-term plan for stopping the leak involves drilling two relief wells to intersect and plug the original well with heavy fluid deep below the sea floor.

The first of these wells is now about 3,000 feet from the intersection point, Odone said, and it should hit the original well bore by early August. To get it right, officials said, the new well must hit a target seven inches across about three miles below the ocean surface.

Coast Guard Adm. Thad Allen, the top federal official in the spill response, has said construction on the relief wells remains ahead of schedule, but BP officials noted that setbacks are routine on a drilling rig.

[Los Angeles Times](#),

The Associated Press





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## [Obama and EPA to Push for Reinstatement of Superfund Tax](#)

*On June 21, 2010, at 11:00 am, In [Policy](#), [Politics-White House](#), By askew*

It looks like the Obama administration is not letting the gulf crisis go to waste. The Obama administration and the Environmental Protection Agency will push Congress to [pass new legislation to reimpose the Superfund tax](#).

The tax expired in 1995 and the funding ran out in 2003 leaving sites without the necessary funding for clean-up.

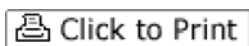
Bills calling for the reinstatement of the tax have been sponsored by Senator Lautenberg (D-NJ) and Rep. Earl Blumenauer (D-OR).

“I think the stars have aligned to make it not only possible for the first time in 15 years but likely that we will reinstate the Superfund tax,” Blumenauer said in an interview. He added that for industries facing the tax, “it’s a golden opportunity to demonstrate their environmental responsibility and their willingness to solve problems.”

House Speaker Nancy Pelosi (D-Calif.) also supports the reinstatement of what her spokesman Drew Hammill called the “polluter pays” tax.

The question becomes will the Republicans side with the oil and chemical industry again and make taxpayers pay to clean-up these sites?

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## Spill threatens Ike-devastated Texas oyster trade

**Associated Press -**

Web Posted: 06/21/2010 12:00 CDT

AUSTIN — Texas oystermen are concerned the BP oil spill will focus more harvesting on oyster beds in Texas coastal waters that have only begun to recover from Hurricane Ike in 2008.

The beds had just begun to recover from Hurricane Ike, which deposited enough sediment on the Texas coastal beds to kill half of the 16,000 acres of public oyster reefs. State figures show that, along with changes in salinity from a recent drought, cut the \$60 million industry to \$27 million.

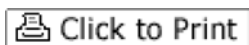
Texas and Louisiana usually both have summer seasons. However, the oil spill about 50 miles off extreme southeastern Louisiana closed many of the oyster beds there, dramatically increasing oystering on Texas beds.

The Austin American-Statesman reports some oyster distributors believe that'll leave few oysters when the Texas coastal waters reopen to oystering this fall.

*Information from: Austin American-Statesman, <http://www.statesman.com>*

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## Sullivan, Inhofe speak out on spill

by: JIM MYERS World Washington Bureau  
Monday, June 21, 2010  
6/21/2010 9:48:35 AM

WASHINGTON — U.S. Rep. John Sullivan said he was shocked by what the Oklahoma Republican saw as arrogance on the part of BP CEO Tony Hayward in testimony last week before a key House panel on the tragic oil spill in the Gulf of Mexico.

"We must hold BP responsible for this spill, and questions still remain on why BP has one of the worst safety records of any major oil company operating in the United States," Sullivan said.

Oklahoma Republican Sen. Jim Inhofe also has made it abundantly clear that he is no friend of BP.

Not only has Inhofe insisted that BP must be held accountable, he has gone out of his way, at least initially, to praise the Obama administration for its approach to the environmental disaster.

That anti-BP theme is not the only one to surface within the state's congressional delegation as the oil spill continues.

Perhaps the most common note hit by Oklahomans in Congress about the ecological catastrophe in the Gulf has been a warning that it should not be viewed as a reason to push legislation that would punish the oil and gas industry as a whole.

"This tragedy should not be used as an excuse to roll back the gains we have made in finding new ways to develop our own energy resources as we will need more oil and natural gas to help meet growing demand for energy in the coming decades," Sullivan said after participating in the hearing that focused in on the beleaguered BP CEO.



He described BP as an anomaly and expressed confidence that despite Hayward's lack of candor in front of lawmakers, answers to why the explosion occurred will be provided.

Had that well been operated by one of the other major oil companies, Sullivan said, he does not think the incident would have occurred.

He specifically urged President Barack Obama to abandon efforts to push a national energy policy that in the congressman's view would harm the economy and lacks the support of the American people.

Inhofe also opposes so-called cap-and-trade legislation and credits BP with helping push it.

As Democrats came up with other legislation in the wake of the oil spill, he has had to take to the Senate floor repeatedly to bat them down.

Last week, in what he views as a huge win, Inhofe led the successful effort against an amendment to repeal what its proponent called \$35 billion in tax breaks for oil companies.

Inhofe was pleased by the 35-61 vote to defeat the proposal.

"The bottom line is that we must hold BP and those accountable for the catastrophe in the Gulf," he said.

"They must be the ones who pay the price of the disaster, not an entire industry that helps produce American energy and American jobs."

Variations of that theme have been expressed by other Oklahoma Republicans, Sen. Tom Coburn and Reps. Frank Lucas, Tom Cole and Mary Fallin, even though not all went after BP.

Cole accused BP of not being prepared and pointed to its "egregious" safety violations and its error-riddled response plan.

He also has been critical of the Obama administration for what he sees as its failure to protect the Gulf from BP's recklessness and a sluggish response to the disaster.

During one radio interview, Cole recalled the second-guessing that the Bush administration suffered following Hurricane Katrina and apparently left the impression with some he viewed the oil spill as an "act of God."

He believes that comment was taken out of context and later said BP bears enormous responsibility.

In response to questions, both Cole and Sullivan said a news release on the Republican Study Committee's website describing as a "Chicago-style political shakedown" the agreement BP reached with the White House on a \$20 billion fund to pay for oil spill claims did not reflect their views.

Lucas and Fallin declined to say.

Sullivan also said Rep. Joe Barton, R-Texas, who created a political firestorm by repeating the shakedown comment and even apologizing to BP at last week's hearing, needs to go beyond the clarification Barton offered later.

Barton serves as the top Republican on the influential House Committee on Energy and Commerce. Sullivan also is a member of that panel.

While Oklahoma Republicans were carving out their stances on the ongoing crisis, Rep. Dan Boren, the state's lone Democrat in Congress, remained largely mum.

Boren has issued no public comments on the disaster but attended one hearing on its implications.

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**Jim Myers (202) 484-1424**

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**Associate Images:**





Everything New Orleans

## More than a dozen mayors in town to see effects of Gulf oil spill first-hand

Published: Monday, June 21, 2010, 10:28 AM Updated: Monday, June 21, 2010, 11:29 AM

**Times-Picayune Staff**

Over fifteen mayors touring the Gulf Coast today with New Orleans Mayor **Mitch Landrieu** to survey the local impact of the **oil spill**.



CHRIS GRANGER / THE TIMES-PICAYUNE

Trying to explain to U.S. Commerce Secretary Gary Locke, left, how the oil spill is affecting fishing and other businesses in south Louisiana, New Orleans Mayor Mitch Landrieu, right, talks with Locke at a downtown New Orleans fishing store, Professional Sport Shop on Julia Street in June assessing the economic impact of the spill.

The president of the U.S. Conference of Mayors, Mayor Elizabeth Kautz of Burnsville, MN, is leading the delegation to show support for Landrieu and the mayors of the region effected by the BP oil disaster.

The group's agenda includes a briefing with Coast Guard officials, a bus trip to Lafitte, a boat tour with Louisiana fishermen, and a seafood lunch at Bon Ton Restaurant.

Attending mayors, which are listed below, are also using the trip to push Washington and BP to accept the recommendations adopted last week at the organization's 78th Annual Meeting.

The resolution calls for President Barack Obama's administration to establish a special task force of senior federal officials to direct the actions of all federal agencies involved, to provide timely and updated information to mayors and local officials on mitigation efforts, and to ensure that lead federal agencies are coordinating closely with cities and local governments in all phases of the national response.

The mayors in town are:

Mayor Elizabeth Kautz, Burnsville, MN

6/21/2010

More than a dozen mayors in town to ...

Mayor Mike Nutter, Philadelphia, PA

Mayor Mitch Landrieu, New Orleans, LA

Mayor Kip Holden, Baton Rouge, LA

Mayor Tim Kerner, Jean Laffite, LA

Mayor Helene Schneider, Santa Barbara, CA

Mayor Bob Foster, Long Beach, CA

Mayor Frank Hibbard, Clearwater FL

Mayor Randall Henderson Jr., Fort Myers, FL

Mayor Sam Jones, Mobile, AL

Mayor Charley Dumas, Prentiss, MS, and Mississippi Municipal League (MML) President-Elect

Mayor A.J. Holloway, City of Biloxi, MS

Mayor Annise Parker, Houston, TX

Mayor Mark Burroughs, Denton, TX

Mayor Carlo DeMaria, Jr., Everett, MA

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# BBC News

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## BP was told of oil safety fault 'weeks before blast'

16:17 GMT, Monday, 21 June 2010 17:17 UK

By Hilary Andersson

BBC Panorama, Washington

**A Deepwater Horizon rig worker has told the BBC that he identified a leak in the oil rig's safety equipment weeks before the explosion.**

Tyrone Benton said the leak was not fixed at the time, but that instead the faulty device was shut down and a second one relied on.

BP said rig owners Transocean were responsible for the operation and maintenance of that piece of equipment.

Transocean said it tested the device successfully before the accident.

Meanwhile, BP has said that its costs in tackling the disaster have now risen to \$2bn (£1.34bn).

### 'Unacceptable'

On 20 April, when the Deepwater Horizon rig exploded killing 11 people, the blowout preventer, as the device is known, failed.

#### **BLOWOUT PREVENTER**

Investigations into the US oil spill are focused on the blow out preventer system of valves on the seabed.

[BACK](#) 1 of 3 [NEXT](#)

The most critical piece of safety equipment on the rig, they are designed to avert disasters just like the oil spill in the Gulf of Mexico.

The blowout preventer (BOP) has giant shears which are designed to cut and seal off the well's main pipe. The control pods are effectively the brains of the blowout preventer and contain both electronics and hydraulics. This is where Mr Benton said

the problem was found.

"We saw a leak on the pod, so by seeing the leak we informed the company men," Mr Benton said of the earlier problem he had identified. "They have a control room where they could turn off that pod and turn on the other one, so that they don't have to stop production."

Professor Tad Patzek, petroleum expert at the University of Texas, was blunt in his assessment: "That is unacceptable. If you see any evidence of the blowout preventer not functioning properly, you should fix it by whatever means possible."

Mr Benton said his supervisor e-mailed both BP and Transocean about the leaks when they were discovered.

## Daily costs

He said he did not know whether the leaking pod was turned back on before the disaster or not.

### WATCH ON PANORAMA

- BP - In Deep Water, BBC One, Monday, 21 June at 2030BST
- Then available in the UK via the link below

[BBC iPlayer - Home](http://www.bbc.co.uk/iplayer/) (<http://www.bbc.co.uk/iplayer/>)

He said to repair the control pod would have meant temporarily stopping drilling work on the rig at a time when it was costing BP \$500,000 (£337,000) a day to operate the Deepwater Horizon.

Henry Waxman, a House of Representatives Democrat who is overseeing congressional investigations into the rig disaster, has accused BP of taking safety shortcuts to save money.

"BP appears to have made multiple decisions for economic reasons that increased the danger of a catastrophic well failure," Mr Waxman said.

BP chief executive Tony Hayward, giving evidence to Congress, said: "There is nothing I have seen in the evidence so far that suggests that anyone put cost ahead of safety, if there are then we will take action."

Congress has identified numerous other problems with the blowout preventer, including design problems, unexpected modifications and a flat battery.

## Cement job

The other major problems on the rig, Congress has said, centred around the cement job. Cement in an oil well blocks explosive gases from escaping, and it appears the cement may not have set properly on the Deepwater Horizon.

## PESTON'S PICKS

Tony Hayward looks like a dead chief executive walking

Robert Peston BBC business editor

**'Not if, but when'**

[http://www.bbc.co.uk/blogs/thereporters/robertpeston/2010/06/haywards\\_departure\\_not\\_if\\_but.html](http://www.bbc.co.uk/blogs/thereporters/robertpeston/2010/06/haywards_departure_not_if_but.html)

BP said it had indications of a successful cementing operation and the company that was in charge of the cement job, Halliburton, has said it was consistent with that used in similar applications.

Several rig workers the BBC spoke to who were on the Deepwater Horizon said there was pressure in April to work fast.

Work to prepare and then seal the well was behind schedule and had to be completed before a production rig could move in and start turning profits.

"Too many jobs were being done at one time. It should have just really slowed down and just took one job at a time, to make sure everything was done the way it should have been," said Mr Benton, who is now suing BP and Transocean for negligence.

BP has responded to Mr Benton's account saying Transocean was responsible for both the maintenance and operation of the blowout preventer.


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## Gulf's feathered victims find new home in Texas

By Lynn Brezosky - Express-News

Web Posted: 06/21/2010 12:00 CDT



Brown pelicans fly free from their kennel at the Aransas National Wildlife Refuge's San Antonio Bay. Thirty-eight pelicans and one tern rescued from oil-tarnished waters were released at the refuge after rehabilitation. JERRY LARA/glara@express-news.net

**ARANSAS NATIONAL WILDLIFE REFUGE** — Tentative wing-flapping led to graceful soaring and convivial preening Sunday as 38 brown pelicans rescued from the worst oil mess in U.S. history explored new digs in the blue-green waters of San Antonio Bay.

“They’re Texas birds right now,” said Dan Alonso, project leader for the Aransas National Wildlife Refuge Complex and host for the largest release to date of birds rehabilitated from the Deepwater Horizon oil spill, and the first release in Texas.

It had been a long morning for the pelicans, which, along with a single tern, made two long road trips and a two-hour flight in the belly of a U.S. Coast Guard HC-144 transport plane in dog carriers.



Within minutes of their release, the birds had begun disappearing into the refuge, heartening biologists who feared the birds might be too weak from either ingested oil or the rehabilitation itself to take to new surroundings.

"I think they've got really good chances now," said Tom Melius, the U.S. Fish & Wildlife biologist overseeing the transfer. "The best thing for these birds is to get them back on their natural water as soon as possible. They know how to catch fish and feed. They know how to make a living for themselves."

Aransas is already home to brown pelicans and is one of 10 sites in Texas being considered for relocations of what biologists call the "pelican oil spill." Pelicans so far dominate the list of birds collected in the past two months in Alabama, Florida and Louisiana, which as of Friday numbered 665 alive and 212 dead.

Pelicans are social by nature, and the oil seeped their way as they gathered to nest. About 200 more pulled from muck in Alabama and Louisiana are reaching the stage where they can be released into the wild, and officials anticipating an eastward spread of the oil are looking west.

"If we just took them out 20 miles from where they were caught, put them back where in the water, they'd go back to where they were caught," Melius said. "Over here, hopefully they'll take time to preen, to restore their body conditions through natural feeding — if it doesn't discourage them from going back, we hope it takes a long time."

There is debate about whether cleaning oil birds is any more than a "feel-good" measure that only delays the birds' death. Some studies point to altered breeding activity and harmed embryos.

"There is no way to know what their chances are, exactly," James Remsen, a bird specialist at Louisiana State University, said in an e-mail before the release. "Many marine birds home back to point of origin; whether this happens with brown pelicans is unknown."

Fish and Wildlife spokeswoman Nancy Brown said all the birds had been banded, which made the release "an opportunity to get some good science."

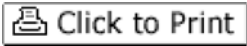
Should the birds wash up dead, the tags will identify them as oil spill victims, and necropsies will be conducted to determine what caused the death.

For now, an array of state and federal agencies plan to coordinate more transfers to Aransas and other sites in Texas — with BP footing the bill. The air transport alone involved two pilots, two Coast Guard personnel and one representative each from the National Park Service, U.S. Geographical Survey and U.S. Fish & Wildlife.

Gulf's feathered victims find new hom...  
“We’re keeping track,” Alonso said. “All the hours, fuel, mileage — we’re keeping an exact account.”

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## BP: 23,290 barrels of leaking oil captured Sunday

11:08am EDT

By Kristen Hays

HOUSTON (Reuters) - BP Plc said on Monday that its oil-capture systems at the massive Gulf of Mexico leak collected or burned off 23,290 barrels (978,180 gallons/3.7 million liters) of crude on Sunday.

The British energy company is using two different systems to capture some of the oil spewing into the ocean from the deep-sea offshore well that ruptured on April 20.

Its containment cap system, installed on June 3, collected 14,570 barrels on Sunday, BP said. A second system, started up on June 16, burned off 8,720 barrels on Sunday, BP said. The systems have a total capacity of 28,000 barrels a day, according to BP.



An undetermined amount of crude continues to gush into the sea despite BP's two collection systems.

U.S. Coast Guard Admiral Thad Allen was slated to provide an update of the spill response at 11 a.m. CDT (12 p.m. EDT).

Overall, BP has collected 231,190 barrels of oil from the containment cap system that channels oil to Transocean Ltd's Discoverer Enterprise drill ship a mile above at the water's surface, according to BP figures.

A drillship is a vessel equipped with a drilling rig that can stay in place for long periods of time while drilling, testing and completing offshore wells.

The second system siphons oil through a hose connected to a failed blowout preventer at the seabed to Helix Energy Solutions' Q4000 service rig. Unlike the drillship, that rig has no storage or processing capacity, so that collected oil must be burned off with a flare boom.

The Q4000 has burned off a total of 41,930 barrels of oil since it started up last week, according to BP figures.

The drillship's total processing capacity is 18,000 barrels a day, while the Q4000 can handle up to 10,000 barrels a day, BP said. The cap system hit a high of 16,020 barrels on June 17, and the Q4000's high slightly surpassed its capacity at 10,100 on June 18, BP said.

BP aims to add another oil-capture system by the end of June to increase overall capacity to up to 53,000 barrels a day, and then make further changes to boost capacity to up to 80,000 barrels a day by mid-July, according to the company's latest plan submitted to the Coast Guard.

The U.S. government estimates that up to 60,000 barrels of oil are gushing from the ruptured well per day.

All the systems are intended to capture oil until one or both relief wells are drilled and permanently cap the leak. Those wells are expected to be finished in August, according to BP and the Coast Guard.

(Reporting by Kristen Hays; Editing by [Will Dunham](#))

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Jun 21, 2:03 PM EDT

## By the numbers: Oil leak wouldn't fill Superdome

By [SETH BORENSTEIN](#)

AP Science Writer

WASHINGTON (AP) -- Overwhelmed and saddened by the gargantuan size of the Gulf oil spill?

A little mathematical context to the spill size can put the environmental catastrophe in perspective. Viewing it through some lenses, it isn't that huge. The Mississippi River pours as much water into the Gulf of Mexico in 38 seconds as the BP oil leak has done in two months.

On a more human scale, the spill seems more daunting. Take the average-sized living room. The amount of oil spilled would fill 9,200 of them.

Since the BP oil rig exploded on April 20, about 126.3 million gallons of oil has gushed into the Gulf. That calculation is based on the higher end of the government's range of barrels leaked per day and the oil company BP's calculations for the amount of oil siphoned off as of Monday morning. Using the more optimistic end of calculations, the total spill figure is just shy of 68 million gallons.

For this by-the-numbers exercise, The Associated Press is using the higher figure.

For every gallon of oil that BP's well has gushed into the Gulf of Mexico, there is more than 5 billion gallons of water already in it. And the mighty Mississippi adds another billion gallons every five minutes or so, according to the U.S. Environmental Protection Agency.

So BP chief executive officer Tony Hayward was factually correct last month when he said the spill was "relatively tiny" compared to what he mischaracterized as a "very big ocean."

But another big number that Hayward provided on Thursday also offers some troubling news. He said the reservoir of oil under the sea that



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An interactive look at the business impact of the oil spill.

is the source for the leak is believed to hold about 2.1 billion gallons of oil. That leaves about 2 billion gallons left to spew. So there are about 16 gallons of oil underneath the sea floor yet to gush for every gallon that has already fouled the Gulf. If the problem were never fixed, that would mean another two years of oil spilling based on the current flow rate.



[A look at the environmental impact of the Gulf oil spill.](#)



[Tracking the Gulf Oil Spill](#)



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More not-so-dreadful context: The amount of oil spilled so far could only fill the cavernous New Orleans Superdome about one-seventh of the way up. On the other hand, it could fill 15 Washington Monuments and two-thirds of the way up a 16th. If the oil were poured on a football field - complete with endzones - it would measure nearly 100 yards high.

If you put the oil in gallon milk jugs and lined them up, they would stretch about 11,000 miles. That's a roundtrip from the Gulf to London, BP's headquarters, and a side trip from New Orleans to Washington for Hayward to testify.

BP has spent more than \$54.8 million lobbying federal officials in Washington since 2000; that's about 43 cents for every gallon of oil it has spilled. Since 2000, the oil and gas industry - along with their employees - has contributed \$154.2 million to candidates for federal office. That's \$1.22 for each gallon of oil spilled. Of that money, 78 percent went to Republicans and the rest to Democrats.

Take the 126.3 million gallons of oil spilled in the Gulf and convert it to gasoline, which is what Americans mostly use it for. That produces 58.6 million gallons of gas - the amount American drivers burn every three hours and 43 minutes. It's enough to fill up the gas tanks in nearly 3.7 million cars - more than those in Louisiana and Mississippi combined.

At \$2.75 a gallon for gas - the national average - that's more than \$161 million worth spilled into the Gulf.

Want your own piece of this spill? If all the oil spilled were divided up and equal amounts given to every American, we would all get about four soda cans full of crude oil that no one really wants.

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Associated Press Writer Sharon Theimer in Washington contributed to this report.

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Jun 21, 8:01 AM EDT

## Gulf paymaster: People are in 'desperate' shape

WASHINGTON (AP) -- The man President Barack Obama picked to run the \$20 billion Gulf oil spill damage fund said Monday many people are in "desperate financial straits" and need immediate relief.

"Do not underestimate the emotionalism and the frustration and the anger of people in the Gulf uncertain of their financial future," Kenneth Feinberg told interviewers. "It's very pronounced. I witnessed it firsthand last week."

Feinberg, who ran the victims claim fund set up in the wake of the Sept. 11, 2001 terror attacks, said he is determined to speed up payment of claims.

His appearance came a week after the administration worked out an arrangement with oil giant BP to establish an independent claims fund - initially \$20 billion - and pledged to reconfigure the system and expedite payments. Feinberg said BP has paid out over \$100 million so far, and various estimates place total claims so far in excess of \$600 million.

"The top message is the message conveyed to me by the president," Feinberg said. " ... We want to get these claims out quicker. We want to get these claims out with more transparency." He said people can file electronically for relief, if they wish, and they need not hire a lawyer. He also said he believes that "when a person comes in and asks for emergency assistance, they shouldn't have to keep coming back," suggesting lump-sum emergency payments.

Asked how officials can guard against false claims, Feinberg said he didn't think that would be a major problem, and said that in the 9/11 experience, there were only a handful of such claims. He did say there could be an issue involving claimants who say they were indirectly harmed by the spill, such as a Boston restaurateur theoretically arguing that his business was hurt by the inability to bring shrimp in from the Gulf.



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An interactive look at the business impact of the oil spill.



A look at the environmental impact of the Gulf oil spill.

In such instances, Feinberg said, officials might have to resort to whatever existing state law says on that issue.

In another interview, he said, "The emergency payments going out under my watch do not require that any claimant give up rights to litigate or go forward in court ... If you want to litigate, go ahead."

But he added that he considers that "very unwise," because it could take years to resolve the issue that way.

"The emergency payments are without any conditions," Feinberg said.

He appeared on ABC's "Good Morning America," CNN and NBC's "Today" show.

(This version CORRECTS Replaces previous version to correct typos. Moving on general news and financial services.)

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Jun 21, 11:58 AM EDT

## Oil spill stirs study, debate over health impacts

By [MIKE STOBBE](#)  
AP Medical Writer

ATLANTA (AP) -- When an Associated Press reporter went scuba diving in the oil-streaked Gulf of Mexico this month, people commenting on websites worried about his health. But at the same time, the oil sure didn't bother some beachgoers in Alabama.

"I was in the water two hours yesterday," said Robert Theil, a French visitor to Orange Beach, as his sister acted as translator. "I'm not worried. It would take a lot before it could hurt you."

Health officials say there seems to be little reason to worry at this point. But some note that health effects months or years from now remain a question mark, particularly for the workers who are in the thick of it, cleaning up oil from the BP spill in the Gulf.

Public health officials and scientists will take up the topic at a two-day meeting beginning Tuesday in New Orleans, organized by the Institute of Medicine at the request of the Department of Health and Human Services. The group will also talk about how best to watch for any potential problems.

HHS has already set aside \$10 million to study cleanup workers and Gulf residents over time.

In the meantime, some questions and answers:

**Q:** Has anyone gotten sick from the oil spilled in the Gulf?

**A:** Yes, there have been reports of illnesses, but relatively few among people not involved in the spill cleanup. Most of the reported illnesses were related to odors or fumes. Almost all were mild and temporary, and many were in early May, within the first few weeks of the April 20 explosion. The reports are based on a doctor's assessment, not on lab testing.



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lab testing.

All but 35 of the 109 spill-related illnesses in Louisiana have been workers. Alabama has 29 reports of illnesses that might be related to the spill, and Florida and Mississippi have had none.

Q: So, what about the air? It safe to breathe?

A: For those along the coast, for the most part, yes. The Environmental Protection Agency has been monitoring the air since shortly after the spill; readings posted Friday show mostly good air quality. Some earlier results have found low levels of pollutants that can cause temporary problems like headaches, nausea or irritation of the eyes, nose and throat.

The pollutants have periodically pushed an industrial smell onshore in some place - one beachgoer compared it to a machine shop. But an oily odor does not necessarily mean it's harmful, said LuAnn White, director of Tulane University's Center for Applied Environmental Public Health.

Officials continue to test. "We are still concerned," said John Howard, director of the National Institute for Occupational Safety and Health.

And out on the water, tests have detected vapors from benzene, one of the chemicals in the oil that scientists say can cause cancer. The good news is that benzene can evaporate or burn off quickly, so the concentrations are much lower toward land.

Q: What about all those tar balls and splotches of oil on some beaches?

A: It's best to avoid them. Oil on bare skin should be washed off as soon as possible, health officials say. Soap and water, baby oil or petroleum jelly are the best way to remove it. Longer contact can cause skin to redden, swell and burn. The problem can get worse if the skin is exposed to the sun.

White compared it to spilling motor oil on your hands.

"Are you going to get sick? Probably not. But do you want to do it? I don't think so," she said.

But another expert cautioned that some chemicals in the oil and dispersants used in the cleanup can be easily absorbed through the skin. "People aren't paying close attention like they should," said Robert Herrick, an industrial hygiene expert at the Harvard School of Public Health.

Q: Can I swim in it?

A: Better not. You could get oil on your skin, and there's the added possibility of accidentally swallowing whatever's in the water. Louisiana beaches have been closed in Grande Isle and Fourchon, but because of cleanup efforts, not for health reasons. Alabama late last week lifted swimming advisories for beaches in Mobile County, but they remain in place for Baldwin County, near Florida.

Q: Are people along the Gulf coast worried they'll get sick?

A: Some are. Most aren't. There apparently haven't been any surveys asking Gulf residents if they're concerned about their health. But calls to poison control centers have been lower than expected, and officials in some Gulf states say they've heard more angst over the impacts on the environment and local business than about health.



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"I look at it this way: It's from the Earth. If you drank it in your drinking water every day it would hurt you. But spend a week in the water on vacation and it's not going to," said Elaine Fox, who visited Orange Beach, Ala., with a group from Family Church in West Monroe, La.

She spent time photographing her pregnant daughter-in-law Christi Fox, 25, who lounged in the surf draped in a white cloth covering a white bikini. A few tar balls stuck to her bathing suit as she walked back to their condominium.

Q: How about the seafood? Is it safe to eat?

A: The president thinks so. Barack Obama ate Gulf seafood during his last visit to Mississippi. He declared that seafood from the region is safe, and also announced stepped-up inspections.

Parts of the Gulf with oil have been closed for fishing. The National Oceanic and Atmospheric Administration and the Food and Drug Administration are sampling fish from the Gulf and are to begin checking fish that come in to docks.

However, inspectors have yet to make an appearance at docksides, and some restaurants have been putting up signs saying they do not sell Gulf seafood. Some critics say testing needs to improve.

Q: Will there be long-term health effects?

A: They don't know. Some health officials say they don't think long-term illnesses are likely. But they've never seen pollution of this scale, and there are just too many unknowns to say for sure.

"It's theoretically possible, but at this point of time not something people are predicting will happen," said Dr. Thomas Miller, an assistant state health officer with Alabama's health department.

Some chemicals in the oil are associated with a cancer risk. But it can take decades for an environmental trigger to result in cancer. And when cancers do occur, it's difficult to sort out the real cause - for example, whether oil fumes inhaled over two months played a greater role than cigarette smoke inhaled in bars over the course of a lifetime.

While the oil is often described as toxic and poisonous, Tulane's LuAnn White said that can give the wrong impression.

"As a toxicologist, when I think of toxic, I think of something that will cause harmful effects at very low concentrations. Some of these components could cause effects - usually mild effects - but at very high concentrations," she said. "So when we look on a toxicity scale, these are not very toxic compounds."

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AP writers Stephanie Nano in New York and Jay Reeves in Orange Beach, Ala. contributed to this report.

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Online:

EPA: <http://www.epa.gov/bpspill/>

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Jun 21, 2:20 PM EDT

## BP CEO cancels appearance at major oil conference

By [RAPHAEL G. SATTER](#)  
Associated Press Writer

LONDON (AP) -- BP chief executive Tony Hayward has canceled his appearance at a London oil conference on Tuesday, citing his commitment to the Gulf of Mexico relief effort.

The announcement Monday follows stinging criticism of Hayward's weekend outing to the Isle of Wight to see his boat compete in a high-profile English yacht race, a move which drew outrage across the Gulf and an acerbic response from the White House.

Hayward will skip Tuesday's session of the World National Oil Companies Congress, an annual gathering of oil executives from across the globe where he was due to give the keynote speech about the global responsibilities of international oil companies, according to BP PLC spokesman Jon Pack. Hayward will be replaced by his deputy, BP chief of staff Steve Westwell.

The London-based company said Sunday that Hayward planned to attend the gathering.

Pack declined to say where Hayward would be Tuesday or whether he was returning to the United States.

BP has said that Bob Dudley will take over as BP's point man on the spill response, replacing Hayward but still reporting to him, once the leak is plugged. That is still thought to be at least six weeks away, although in a television interview Friday BP Chairman Carl-Henric Svanberg seemed to suggest that the handover could take place sooner.

As BP continues to try bring the spill under control, it is embroiled in a public battle with one of its partners over who is responsible for the catastrophic failure of the Deepwater Horizon well, which may have spilled anywhere from 68 million to 126 million gallons of crude.



AP Photo/Susan Walsh

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Anadarko Petroleum Corp., which has a 25 percent stake in the well, said BP was grossly negligent in its operation of the failed drilling rig. Anadarko said its joint operating agreement makes BP responsible to co-owners for any damage due to gross negligence or willful misconduct.

BP countered that all the partners shared in liability for damage resulting from exploration in Mississippi Canyon Block 252. It added that the co-owners had confirmed to the U.S. federal government that they would be liable for oil spill cleanup costs.

In a further attack on BP's safety practices, the BBC is broadcasting what it says is an interview with a former Deepwater Horizon worker who claims he identified a leak in the oil rig's safety equipment weeks before the explosion.

Tyrone Benton told BBC's "Panorama" program he spotted a leak in one of the control pods which helped operate the so-called "blowout preventer," a failsafe mechanism which is supposed to shut off the flow from the well in the event of a catastrophic failure. The preventer malfunctioned when the rig exploded on April 20, allowing the oil to gush out unimpeded.

Benton said the problem wasn't immediately fixed - despite e-mails sent to both BP, which ran the rig, and Transocean Ltd., which owned it.

Instead, the pod was shut down and a second one was relied upon to operate the preventer. Benton said he didn't know if the faulty pod was ever turned back on before the disaster.

In a statement, BP said it was aware of the allegations, but that Transocean was responsible "for both the operation and maintenance" of the blowout preventer. Contact information for Benton could not immediately be located.

Stock in BP, which said it has now spent \$2 billion since April 20 trying to stop the oil gusher and to pay initial claims for damages on shore, fell 2.2 percent to 349.5 pence (\$5.18) in London Monday. The company has seen its value cut nearly in half since the disaster.

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Associated Press Writers Robert Barr and Martin Benedyk contributed to this report.

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Online:

Panorama: <http://news.bbc.co.uk/panorama/hi/default.stm>

World National Oil Companies Congress:  
<http://www.terrapinn.com/2010/nocs/index.stm>

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June 21, 2010

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## Haley Barbour: Drilling Moratorium Worse Than The Spill

**AP/Huffington Post**

First Posted: 06-21-10 09:55 AM | Updated: 06-21-10 12:37 PM

JACKSON, Miss. -- Mississippi's Republican governor, Haley Barbour, said on Sunday that the temporary moratorium on offshore drilling imposed by the Obama administration is worse than the catastrophic oil spill caused by the explosion of the Deepwater Horizon rig.

"Governor, what's worse, the moratorium or the effects of this spill on the region?" asked "Meet the Press" host David Gregory on Sunday. Barbour responded, "Well, the moratorium... the spill's a terrible thing, but the moratorium is a terrible thing that's not only bad for the region, it's bad for America."

As the Washington Monthly's Steve Benen notes, "what Barbour neglected to mention is that Obama got BP to commit to a \$100 million fund to compensate unemployed oil rig workers affected by the closure of other deepwater rigs."

Yet Barbour is not alone. In the two months since BP's underwater well ruptured and started belching millions of gallons of crude into the Gulf, many conservatives have expressed fears that Obama and his allies will use the spill to make government bigger and intrude more into private enterprise.

A tea party favorite running for the U.S. Senate in Kentucky says President Barack Obama is using the Gulf of Mexico oil spill to advance an energy tax.

While Democrats denounce BP for the spill, a Republican congressman from Texas accuses the White House of performing a \$20 billion "shakedown" by pushing the company to create a compensation fund for spill victims. Rep. Joe Barton also apologizes to BP Chief Executive Tony Hayward at a Capitol hearing, although he is later pressured by GOP leaders

to apologize for his apology.

Republican Senate candidate Rand Paul of Kentucky said Friday that he was disturbed by Obama's promise to find out "whose ass to kick."

Story continues below

"I'll move past the obvious problem with the appropriateness of the comment to just say this: Look in the mirror Mr. President," Paul said in a statement. "This crisis has been a case study in failure to lead, failure to act, and using a crisis to advance your own agenda rather than solve the problem."

Erin Ryan, a tea party activist in Redding, Calif., said Barton was correct to use the word "shakedown."

"Wow," Ryan said. "Somebody finally said it out loud?"

Conservative talk show host Mark Williams, chairman of the California-based Tea Party Express, said the White House went too far by pressuring BP to create the fund while the Justice Department is conducting criminal and civil probes of the spill.

"I'm accustomed to mobsters behaving that way, I'm just not accustomed to it from the president, especially when he's standing there with the attorney general threatening legal action," Williams said. "Where I come from, they call it extortion."

Even in the Gulf states of Louisiana, Mississippi, Alabama and Florida, where people's daily lives are affected by beach closures, tar balls and the endangerment of the seafood and tourism industries, some say they're not angry at BP.

"I think BP is being extremely generous and they should be commended for that. They're going above and beyond, as far as I'm concerned," said retired civil servant and tea party organizer Charlie Purchner of Long Beach, Miss., where booms are floating less than a mile offshore in case oil approaches.

Donn Janes, an independent running for Congress on a tea party platform in Tennessee, said he considers the Obama administration to be "anti-oil," but doesn't think BP is being mistreated.

"I don't see that as shakedown on big business," Janes said. "BP is definitely not blameless in this - they're the cause."

In Oklahoma, where oil and natural gas drive the state's economy, tea party favorite Randy Brogdon, a Republican candidate for governor, said federal involvement in the BP disaster is only making the situation worse.

"This is a perfect example of why government should never be involved in the private sector," said Brogdon, a state senator campaigning on limited federal government. "Government is not the solution. It's the problem. The more government tries to get in and regulate the free market, the worse things become."

Many conservatives believe, like Paul, that Obama is using the oil spill to push a climate change bill they believe will raise the cost of energy and kill jobs.

"Why the hell are you bringing up cap and trade and increased carbon taxes in the same breath as dealing with this emergency?" asked Mark Falzon, who's active in three New Jersey tea party groups and is state coordinator for the national Tea Party Patriots.

Seattle blogger and tea party activist Keli Carender said Obama should focus on controlling and cleaning up the oil spill by marshaling the National Guard and other federal resources to the Gulf Coast.

"Nobody's asking him to close the hole. We understand he doesn't have a secret weapon, like the presidential lock box that he could unleash," Carender said. "But there are many things that he could do."

Trent Humphries, co-founder of a tea party group in Tucson, Ariz., said Obama has spent too much time criticizing BP and not enough using the government's vast resources to stop the leaking oil.

6/21/2010

Haley Barbour: Drilling Moratorium Wo...

"Goodness knows they deserve it, but bashing BP is not a solution to this problem," Humphries said.

Republicans and tea partiers aren't alone in being wary about the federal response to the oil disaster. Wyoming Gov. Dave Freudenthal, a Democrat and early Obama supporter, said he's concerned the Gulf spill could prompt an overreaction from federal regulators. Wyoming is among the top states in natural gas and oil production and leads in coal production.

Underwater drilling is occurring at depths that exceed technological capabilities, Freudenthal said. "It's one thing to drill at 300 feet, it's quite another to drill at 5,000."

Freudenthal said he doesn't want the federal government to impose strict drilling regulations that would hurt Wyoming: "We've kind of got it figured out here on land."

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## BP shares slump amid spat with partner on damages

By ROBERT BARR (AP) – 1 day ago

LONDON — BP shares fell sharply Monday after a public battle erupted between the oil company and one of its partners over who is responsible for the catastrophic failure of the Gulf of Mexico oil well.

Stock in BP, which said it has now spent \$2 billion since April 20 trying to stop the oil gusher and to pay initial claims for damages on shore, fell 4 percent to 343 pence (\$5.12) in London.

The company hit back at Anadarko Petroleum Corp., which has a 25 percent stake in the well, following Anadarko's statement on Friday accusing BP of gross negligence in operating the drilling rig.

Anadarko said the joint operating agreement makes BP responsible to co-owners for any damage due to gross negligence or willful misconduct.

In a statement on Monday to the London Stock Exchange, BP countered that all the partners shared in liability for damage resulting from exploration in Mississippi Canyon Block 252.

"All the co-owners of the leasehold interest previously entered into a written operating agreement under which ... the parties would share the costs of operations, including the cost to clean up any spill resulting from drilling the MC252 exploratory well, according to their respective ownership interests," BP said.

It added that the co-owners had confirmed to the U.S. federal government that they would be liable for oil spill cleanup costs.

On Friday, Moody's Investor Services downgraded Anadarko's long-term debt, and placed the company's ratings under review for further possible downgrades.

Anadarko had no employees on the well and was a non-operating partner in the project. A subsidiary of Mitsui & Co. Ltd. of Japan had a 10 percent stake. BP's share is 65 percent.

The rig was owned by Transocean Ltd. of Switzerland and operated by BP.

In a separate statement, BP said it has now spent \$2 billion trying to stop the deep-water gusher, including \$105 million for 32,000 damage claims.

With no end yet in sight, costs will continue to rise. BP last week agreed to set up a \$20 billion fund to compensate victims of the disaster on the U.S. southern coast.

"Other parties besides BP may be responsible for costs and liabilities arising from the oil spill, and we expect those parties to live up to their obligations," said BP Chief Executive Tony Hayward in the statement.

"But how the costs and liabilities are eventually allocated between various parties will not affect our unwavering pledge to step forward in the first instance to clean up the spill and pay all legitimate claims in an efficient and fair manner."

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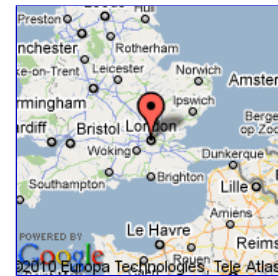
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## BP pegs spill at worst-case 100,000 bpd

10:12am EDT

By [Tom Bergin](#) and Ernest Scheyder

LONDON/BURAS, Louisiana (Reuters) - BP shares fell on Monday after a U.S. lawmaker released an internal company document over the weekend pegging the worst-case scenario rate for the Gulf of Mexico oil spill far higher than government figures.

The oil giant's stock, which has nearly halved in value since an explosion on an offshore rig on April 20, slid over 4.0 percent after the document estimated the rate at 100,000 barrels per day (15.9 million liters) versus the government estimate of 60,000 barrels.

BP spokesman Toby Odone said the document appeared to be genuine but the estimate applied only to a situation in which a key piece of equipment called a blowout preventer is removed.

"Since there are no plans to remove the blowout preventer, the number is irrelevant," Odone said.

BP also said in a statement on Monday, the 63rd day of the spill, that the cost of its response had hit \$2 billion and it had paid out \$105 million in damages to those affected.

It rejected claims by its partner in the oil well, Anadarko Petroleum, that it had been negligent in the way it operated the installation.

"It's a combination of things (affecting the share price)," said Barclays Capital analyst Lucy Haskins.

"Over the weekend we were getting the newsflow about Anadarko refusing to pay and then there's these stories about higher flow rates in an internal memo.

"The shares are very vulnerable to any movement in terms of newsflow," she added.

The estimate in the undated BP document was released by U.S. Representative Ed Markey, chairman of the energy and environment subcommittee of the House of Representatives Energy and Commerce Committee.

"Right from the beginning, BP was either lying or grossly incompetent," Markey told NBC's "Meet the Press" on Sunday.

The document was posted on the Internet [here](#)

There was no sign that BP's problems were going away.

The BBC's Panorama program said that a worker on the Deepwater Horizon rig where the explosion took place, had told it that he identified a leak in safety equipment weeks before the explosion. A congressional committee probing the accident said last month the blowout preventer had a leak in its hydraulic system.

And BP CEO Tony Hayward, the target of U.S. criticism for his statements since the spill began, sparked new controversy by watching a yacht race off the English coast on Saturday. He is also expected to attend the BP Portrait Awards on Tuesday.

### BOND, BIGGER ASSET SALES?

The British group is planning to raise \$50 billion to cover the cost of the largest oil spill in U.S. history, London's Sunday Times reported.

The newspaper, without citing sources, said BP planned to raise \$10 billion from a bond sale, \$20 billion from banks and \$20 billion from asset sales over the next two years to cover the cost of the spill.

The Financial Times said that CEO Hayward was planning to travel to Russia to reassure President Dmitry Medvedev that the oil group is not on the brink of collapse. BP said it did not comment on the movements of its chief executive.

BP said last week it would suspend dividend payments to its shareholders and increase the pace of asset sales to \$10 billion this year to offset liabilities from the spill, which began after an explosion that killed 11 workers.

The amount of oil spewing from the well has been a matter of considerable controversy in the two months since the spill erupted, with critics saying BP has understated the flow rate.

The spill has dealt a body blow to fishing and tourism industries across four Gulf states, soiling coastlines that are a playground for tourists and a key habitat for wildlife.



New Orleans Mayor Mitch Landrieu is taking mayors from 17 U.S. cities to visit the slick-damaged Mississippi Delta, where oil has coated fragile marshlands, tarred wildlife and decimated fisheries.

#### QUICK SETTLEMENT

Huge amounts of oil continue to leak into the sea from the ruptured well a mile below the ocean surface despite BP containment systems.

BP said on Sunday that 21,040 barrels of oil (883,680 gallons/3.34 million liters) leaking from the well was collected by its siphoning systems on Saturday. One of the two systems was restarted on Saturday after a 10-hour shutdown to fix a problem with fire-prevention equipment, BP said.

Kenneth Feinberg, the independent administrator running the \$20 billion fund set up by BP to compensate victims, said on Sunday he would make sure that "every eligible, legitimate claim is paid and paid quickly.

Feinberg, an arbitration lawyer, dispensed hundreds of millions of dollars to victims of the September 11, 2001 attacks on the United States.

The spill threatens the coastal economies of four states including hard-hit Louisiana.

Mississippi Republican governor Haley Barbour, appearing on "Meet the Press," said he was anxious to see the well capped, the spill cleaned up and BP cover the entire tab.

"Nothing is satisfactory until the well is shut in. When the well is capped, then clean up the oil, and then BP pays the bills. Until all of that is done, nothing is satisfactory," he said said.

Despite assurances of swift compensation, Louisiana Gulf residents remained skeptical.

"Every time they say there's a fund for fishermen, we wait years and years," said Tal Plork, whose fisherman husband, Phan, faced long waits for aid after two hurricanes rampaged across the Gulf region in 2008. "It was like that for Gustav and Ike. Hopefully, now they will go faster."

(Additional reporting by [Thomas Ferraro](#) and [Will Dunham](#) in Washington, [Bruce Nichols](#) in Houston and [Sarah Young](#) and [Victoria Bryan](#) in London; Writing by [Sitaraman Shankar](#) and [Tim Gaynor](#), editing by David Cowell)

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## 7. OFFSHORE DRILLING: Engineers baffled by shear ram's failure to stop spill (06/21/2010)

Though the truth may not be known until a five-story blowout preventer is hauled up from the floor of the Gulf of Mexico, investigators and engineers continue to wonder what went wrong with the blind shear ram that was meant to slice through the drilling pipe and seal the well beneath the Deepwater Horizon oil rig.

"If that would've worked," a senior oil industry executive said, "that rig wouldn't have burned up and sunk."

Experts had pushed the federal Minerals Management Service to minimize the risk of such a failure, but the agency took few steps. Federal regulators do not require regular checks of the devices. And MMS, under fire for its close ties to the oil industry, apparently did not enforce a rule requiring drillers to demonstrate the effectiveness of their blind shear rams.

In the case of the Deepwater Horizon accident, the shear ram may have come within inches of doing its job. But one of any number of things could have gone wrong. The blades may have closed on a nearly indestructible joint rather than drilling pipe. Hydraulic fluid leaks may have sapped the device of cutting power. A key valve may have jammed or leaked.

According to a "strictly confidential" study commissioned last year by Transocean Ltd., the owner of the Deepwater Horizon rig, blowout preventers on deepwater rigs had a 45 percent failure rate. Because the blowout preventer was installed with one blind shear ram at a time when most drilling rigs were using two, there was no backup for the failed device.

"What happened to all the stakeholders -- Congress, environmental groups, industry, the government -- all stakeholders involved were lulled into a sense of what has turned out to be false security," Deputy Interior Secretary David Hayes said (Barstow/Dodd/Glanz/Saul/Urbina, [New York Times](#), June 20). -- GN

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## **BP not planning bond sale: sources**

10:12am EDT

LONDON (Reuters) - Oil giant BP is not planning a new bond sale, sources familiar with the matter said on Monday and instead plans to extend bank credit lines to ensure it has enough cash to pay for the Gulf of Mexico oil spill cleanup.

BP has considered a number of different scenarios to raise additional cash, should the need arise, such as additional assets sales and a potential bond offering but for now, the company is confident its cash resources can cover the bulk of the cleanup costs, one source said.

BP is seeking to arrange credit lines of up to \$7 billion from banks, banking sources told Reuters last week.

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Jun 21, 3:11 AM EDT

## Tea partiers wary of regulation, even in BP spill

By [EMILY WAGSTER PETTUS](#)

Associated Press Writer

JACKSON, Miss. (AP) -- A tea party favorite running for the U.S. Senate in Kentucky says President Barack Obama is using the Gulf of Mexico oil spill to advance an energy tax.

While Democrats denounce BP for the spill, a Republican congressman from Texas accuses the White House of performing a \$20 billion "shakedown" by pushing the company to create a compensation fund for spill victims. Rep. Joe Barton also apologizes to BP Chief Executive Tony Hayward at a Capitol hearing, although he is later pressured by GOP leaders to apologize for his apology.

In the two months since BP's underwater well ruptured and started belching millions of gallons of crude into the Gulf, many conservatives have expressed fears that Obama and his allies will use the spill to make government bigger and intrude more into private enterprise.

Republican Senate candidate Rand Paul of Kentucky said Friday that he was disturbed by Obama's promise to find out "whose ass to kick."

"I'll move past the obvious problem with the appropriateness of the comment to just say this: Look in the mirror Mr. President," Paul said in a statement. "This crisis has been a case study in failure to lead, failure to act, and using a crisis to advance your own agenda rather than solve the problem."

Erin Ryan, a tea party activist in Redding, Calif., said Barton was correct to use the word "shakedown."

"Wow," Ryan said. "Somebody finally said it out loud?"

Conservative talk show host Mark Williams, chairman of the California-based Tea Party Express, said the White House went too far by



AP Photo/Alex Brandon

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pressuring BP to create the fund while the Justice Department is conducting criminal and civil probes of the spill.

"I'm accustomed to mobsters behaving that way, I'm just not accustomed to it from the president, especially when he's standing there with the attorney general threatening legal action," Williams said. "Where I come from, they call it extortion."

Even in the Gulf states of Louisiana, Mississippi, Alabama and Florida, where people's daily lives are affected by beach closures, tar balls and the endangerment of the seafood and tourism industries, some say they're not angry at BP.

"I think BP is being extremely generous and they should be commended for that. They're going above and beyond, as far as I'm concerned," said retired civil servant and tea party organizer Charlie Purchner of Long Beach, Miss., where booms are floating less than a mile offshore in case oil approaches.

Mississippi's Republican governor, Haley Barbour, said he expects BP to pay all legitimate claims but he believes making the company set aside \$5 billion a year over four years could hurt BP and, ultimately, the coastal residents and businesses who are supposed to be compensated for losses.

"If they take a huge amount of money and put it in an escrow account so they can't use it to drill oil wells and produce revenue, are they going to be able to pay us?" Barbour said.

Donn Janes, an independent running for Congress on a tea party platform in Tennessee, said he considers the Obama administration to be "anti-oil," but doesn't think BP is being mistreated.

"I don't see that as shakedown on big business," Janes said. "BP is definitely not blameless in this - they're the cause."

In Oklahoma, where oil and natural gas drive the state's economy, tea party favorite Randy Brogdon, a Republican candidate for governor, said federal involvement in the BP disaster is only making the situation worse.

"This is a perfect example of why government should never be involved in the private sector," said Brogdon, a state senator campaigning on limited federal government. "Government is not the solution. It's the problem. The more government tries to get in and regulate the free market, the worse things become."

Many conservatives believe, like Paul, that Obama is using the oil spill to push a climate change bill they believe will raise the cost of energy and kill jobs.

"Why the hell are you bringing up cap and trade and increased carbon taxes in the same breath as dealing with this emergency?" asked Mark Falzon, who's active in three New Jersey tea party groups and is state coordinator for the national Tea Party Patriots.

Seattle blogger and tea party activist Keli Carender said Obama should focus on controlling and cleaning up the oil spill by marshaling the National Guard and other federal resources to the Gulf Coast.

"Nobody's asking him to close the hole. We understand he doesn't have a

#### Multimedia



An interactive look at the business impact of the oil spill.



A look at the environmental impact of the Gulf oil spill.



Tracking the Gulf Oil Spill



Oil Spill Poll

#### Your Questions Answered



♦ Ask AP: Kudzu as biofuel, reporting from Gaza

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Producers Tap Old Wells in Search of Oil

#### Multimedia



Oval Office addresses

secret weapon, like the presidential lock box that he could unleash," Carender said. "But there are many things that he could do."

Trent Humphries, co-founder of a tea party group in Tucson, Ariz., said Obama has spent too much time criticizing BP and not enough using the government's vast resources to stop the leaking oil.

"Goodness knows they deserve it, but bashing BP is not a solution to this problem," Humphries said.

Republicans and tea partiers aren't alone in being wary about the federal response to the oil disaster. Wyoming Gov. Dave Freudenthal, a Democrat and early Obama supporter, said he's concerned the Gulf spill could prompt an overreaction from federal regulators. Wyoming is among the top states in natural gas and oil production and leads in coal production.

Underwater drilling is occurring at depths that exceed technological capabilities, Freudenthal said. "It's one thing to drill at 300 feet, it's quite another to drill at 5,000."

Freudenthal said he doesn't want the federal government to impose strict drilling regulations that would hurt Wyoming: "We've kind of got it figured out here on land."

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Contributing to this report were Associated Press writers Roger Alford in Frankfort, Ky.; Robin Hindery in Sacramento, Calif.; Michael R. Blood in Los Angeles; Erik Schelzig in Nashville, Tenn.; Geoff Mulvihill in Philadelphia; Sean Murphy in Oklahoma City; Curt Woodward in Olympia, Wash.; Jonathan J. Cooper in Phoenix; and Ben Neary, in Cheyenne, Wyo.

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# Environmental P R O T E C T I O N

## Texas Tech Researcher: Fibertect Can Hold Oil and Mustard Vapors

Jun 21, 2010

As workers battle the Gulf of Mexico oil spill and officials attempt to decontaminate [a clam boat that dredged up old munitions containing mustard gas](#), a Texas Tech University researcher said his product [Fibertect®](#) can handle both dirty jobs.

Seshadri Ramkumar, an associate professor of nonwoven technologies, said the Texas Tech-created nonwoven cotton carbon absorbent wipe can clean up crude oil and adsorb toxic polycyclic aromatic hydrocarbon vapors reportedly sickening oil spill cleanup crew members. The product also has been tested to remediate mustard vapors such as those found from dumped munitions discovered off the coast of Long Island.

Fibertect recently was approved for use as a sorbent by the U.S. Environmental Protection Agency.

Ramkumar said: “It definitely has applications for cleaning up the oil spill or this clam boat. Our wipe material is unique from any others in that it easily absorbs liquids, and it has vapor-holding capacity. No product to my knowledge has the capacity to do both.”

Originally developed to protect the U.S. military from chemical and biological warfare agents, Fibertect® contains a fibrous activated carbon center that is sandwiched between layers. The top and bottom layers, made from raw cotton, can absorb oil while the center layer holds volatile compounds, blistering agents or other toxic chemicals.

Ramkumar said his latest research shows that the raw cotton-carbon product can absorb oil up to 15 times its weight.

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Everything New Orleans

## Judge to rule on whether to issue injunction on deepwater drilling moratorium by noon Wednesday

Published: Monday, June 21, 2010, 11:42 AM Updated: Monday, June 21, 2010, 11:51 AM



**Rebecca Mowbray, The Times-Picayune**

U.S. District Court Judge Martin Feldman said today that he will decide on whether to issue a preliminary injunction against the six-month deepwater drilling moratorium by noon Wednesday.



U.S. District Judge Martin Feldman

After a hearing in federal court this morning, Feldman said he hopes to have his decision ready by noon Tuesday if possible.

The hearing was part of a lawsuit seeking to lift the deepwater drilling moratorium on an expedited basis, despite an effort by the federal government for a delay until the end of July, two months into the six-month shutdown.

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# BP Gulf spill costs hit \$2 billion, no end yet

 Associated Press

By RAY HENRY and ROBERT BARR, Associated Press Writers

1 hr 43 mins ago

ON THE GULF OF MEXICO – BP has spent \$2 billion in two months of fighting its Gulf of Mexico oil spill and compensating victims, with no end in sight to the disaster or the price tag.

The British oil giant released its latest tally of response costs Monday, including \$105 million paid out so far to 32,000 claimants. The figure does not include a \$20 billion fund that BP PLC last week agreed to set up to continue compensating Gulf residents and businesses. There are also scores of lawsuits piling up against BP for the April 20 rig explosion that killed 11 workers and ensuing oil spill that has yet to be capped.

Also Monday, the man President Barack Obama picked to run the \$20 billion damage fund said many people are in "desperate financial straits" and need immediate relief.

"Do not underestimate the emotionalism and the frustration and the anger of people in the Gulf uncertain of their financial future," Kenneth Feinberg told interviewers. "It's very pronounced. I witnessed it firsthand last week."

Feinberg, who ran the victims claim fund set up in the wake of the Sept. 11, 2001, terrorist attacks, said he is determined to speed up payment of claims.

Shares of BP, which have lost about half their value since the rig Deepwater Horizon burned and sank off the Louisiana coast, were down nearly 5 percent Monday in London trading at \$5.06. The rig was owned by Transocean Ltd. but run by BP.

BP also argued that its partners in the oil well project must share responsibility for the disaster costs. BP owned 65 percent of the well, while Anadarko Petroleum Corp. had 25 percent stake and a subsidiary of Mitsui & Co. Ltd. of Japan had a 10 percent stake.

Anadarko said Friday the joint operating agreement made BP responsible for any damage due to gross negligence or willful misconduct. BP shot back Monday that all the partners shared in liability for oil spill damages.

The best hope of ending the diasaster rests on teams drilling two relief wells meant to stop the seafloor oil gusher, a daunting task: Their drills have to hit a target roughly the size of a salad plate about three miles below the water's surface.

If the workers aboard Transocean's Development Driller II or its sister rig DDIII miss or move too slowly, oil will keep pouring into the sea. As much as 125 million gallons of oil has gushed into the Gulf.

No one on the rig has done this before because these deep sea interventions are so rare. But rig workers brushed off worries and the pressure to succeed.

"It's really not a tough thing to do," says Mickey Fruge, the wellsite leader aboard the DDII for BP, which was leasing the rig that blew up and is responsible for stopping the oil.

The relief wells are slowly grinding their drill bits 13,000 feet below the seafloor until they intersect the damaged well left by the Deepwater Horizon. A group of reporters that included The Associated Press had a rare chance to tour the rig Saturday.

Reporters flew by helicopter above the patchy wetlands along the Mississippi River Delta and past the floating boom and skimmers that have failed to protect the Gulf Coast.

About 40 miles from the coast, a fleet of ships becomes visible. They look like toys packed in a two-mile-square patch of dull water. The approaching drill rig is easy to spot with its 200-foot derrick.

After the Sikorsky chopper settles on its landing pad, the thwack of the rotors quiets down, and a rig worker steps into the helicopter cabin.

"OK, welcome to the DDII," he says.

Out in the distance, another drilling rig is siphoning off oil and natural gas from the undersea well and burning it in a multi-nozzled flare. It looks like the flames are radiating from an oversized showerhead. Other ships hose off that rig's deck to keep the heat from building.

Meanwhile, a boom attached to a drill ship called the Discoverer Enterprise flares off natural gas taken from a containment cap that is sucking up oil from the well head. The distant flames are a constant reminder that crude and gas are leaking beneath the feet of those aboard the DDII as they walk across the see-through grating on its floor.

The Enterprise sits where the Deepwater Horizon rig exploded. Some of the DDII crew knew Transocean workers on that rig.

It's "always, always on our mind," said Wendell Guidry, Transocean's drilling superintendent on the rig.

BP has said a relief well should be ready by August, and the DDIII is farther along, having reached a depth of nearly 11,000 feet below the seafloor. Still, Guidry said, it's unclear which rig will hit the target first.

"Never know what will happen," he said. "You never know."

Work goes on around-the-clock on the DDII, which can hold 176 people. Eight thrusters on the rig keep it precisely positioned over the well it's drilling. The ship is so large that those aboard cannot feel it move on the water most of the time.

Once one of the two relief wells intersects the damaged line, BP plans to pump heavy drilling mud in to stop the oil flow and plug the blown-out well with cement.

It's a tricky task and not guaranteed to work. A pair of relief wells took months to stop an undersea gusher in Mexico that started in the summer of 1979.

Coast Guard Adm. Thad Allen, the top federal official in the spill response, has said construction on the relief wells remains ahead of schedule. But setbacks are routine on a drilling rig.

"It's business as usual, man," said Eric Jackson, a rig worker. "Everybody tells us to be, 'Hey, don't let the pressure get to you.' This is what we do for a living, man. We drill wells. It's the same as any other day."

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Barr contributed from London.



Source: Daily Environment Report: News Archive > 2010 > June > 06/21/2010 > News > Oil Spills:  
Environmental Group Sues BP, Transocean For \$19 Billion, Alleging Illegal Oil Discharges

117 DEN A-16

### ***Oil Spills***

## **Environmental Group Sues BP, Transocean For \$19 Billion, Alleging Illegal Oil Discharges**

HOUSTON—The Center for Biological Diversity sued BP America and Transocean Inc. in federal court June 18, alleging illegal discharges of more than 100 million gallons of oil and other pollutants into the Gulf of Mexico in violation of the Clean Water Act following the April 20 explosion on the Deepwater Horizon drilling rig and subsequent oil spill (*Center for Biological Diversity v. BP America*, E.D. La., No. 2:10-cv-10768, 6/18/10).

In a complaint filed in the U.S. District Court for the Eastern District of Louisiana, the center said it is seeking the maximum possible penalty against BP, with liabilities that eventually could tally \$19 billion.

The plaintiff seeks to enjoin BP and Transocean from discharging any more pollutants in the Gulf and immediately divulge the complete list and amounts of toxic pollutants contained in the oil and other releases from the drilling rig and wells.

Since the explosion and blowout of the oil well on April 20, estimates of oil discharges in the Gulf of Mexico have varied from 5,000 barrels to over 200,000 barrels a day, the complaint said. Discharged toxic pollutants are likely to include benzene, toluene, polynuclear aromatic hydrocarbons, and phenanthrene, the document said.

The center said it filed the lawsuit on behalf of its members who live in or regularly visit Louisiana and other Gulf Coast states and have been adversely impacted by the discharges.

### **Penalty Calculated by Barrel Spilled**

The center is seeking approximately \$11 billion in civil penalties from BP based on the maximum possible penalty under the Clean Water Act if the defendant's violations are found to have been the result of "gross negligence or willful misconduct."

The Clean Water Act stipulates a civil penalty of \$1,100 per barrel of oil spilled or \$4,300 per barrel if the oil spilled as the result of gross negligence or willful misconduct.

If the spill continues through Aug. 1, BP's liability could be approximately \$19 billion, according to the center.

A company spokesman declined to comment on the litigation.

"We filed this suit to ensure BP is held accountable for every drop of oil and pollution it has released into the Gulf of Mexico," said Kieran Suckling, executive director of the Center for Biological Diversity. "We can't bring back the dead sea turtles, dolphins, and whales, but we can ensure BP is penalized to the full extent of the law for causing the worst environmental disaster in American history."

Suckling said this type of lawsuit should have been filed by the federal government immediately after the accident. The final assessment of penalty cannot be done until the oil stops flowing, he added.

The federal government eventually will file a lawsuit, which will be joined with the lawsuit filed by the center, according to Suckling.

The ultimate resolution of this case is likely to be a legal settlement, not a court order, Suckling told BNA.

### **A Seat at the Table**

"Since we filed suit and are the lead plaintiff, we will have a seat at that negotiating table and we will have the ability to object to any settlement we feel is not in the public interest," he added.

"Eventually, the federal government will be the big legal dog in the room, not us, but we will be positioned to ensure that whatever settlement comes out of this is fair."

The plaintiff estimates BP's oil spill covers as much as 23,140 square miles and continues to grow, with a devastating impact on fish and wildlife.

According to the lawsuit, hundreds of dead birds including gannets, herons, and brown pelicans, sea turtles, dolphins, and other wildlife have been collected from the Gulf and its coastline since the oil spill began. The spill also threatens some of the most productive and fragile marine ecosystems in the United States; oil plumes spreading beneath the surface of the Gulf could devastate zooplankton and invertebrate communities at the bottom of the aquatic food chain, the plaintiff charged.

Defendants' discharges are not permitted by any National Pollutant Discharge Elimination System permit, the complaint said. The lawsuit further claims the defendants have repeatedly discharged and continue to discharge oil and associated toxic pollutants through a point source or point sources, reaching coastal wetlands, beaches, estuaries, and rivers in Louisiana and other Gulf states.

Point sources include the rig and all pipes associated with the well construction, and the operation and production of the Deepwater Horizon facility.

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*By Susanne Pagano*

*The complaint filed in Center for Biological Diversity v. BP America is available at <http://op.bna.com/env.nsf/r?Open=jstn-86jv4e>.*

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Contact us at <http://www.bna.com/contact/index.html> or call 1-800-372-1033

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# Daily Environment Report<sup>TM</sup>

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Source: Daily Environment Report: News Archive > 2010 > June > 06/21/2010 > News > Oil Spills: Interior Requires More Detailed Planning In Preparation for Offshore Well Blowouts

117 DEN A-11

## ***Oil Spills***

### **Interior Requires More Detailed Planning In Preparation for Offshore Well Blowouts**

The Interior Department issued a directive June 18 spelling out the additional information that oil and natural gas companies must submit with offshore exploration and production plans to prevent a blowout and to deal with a blowout when one occurs.

The directive, in the form of a notice to lessees and operators, is the second in a series of directives and rulemakings from Interior's Minerals Management Service to reduce the risk of another accident such as the Deepwater Horizon explosion and spill at the BP Plc drilling site in the Gulf of Mexico.

Companies already were required to include worst-case scenarios in their planning.

The latest MMS notice expands on that aspect of planning through its requirements for far greater detail on such elements as the potential scale of a blowout, the availability of equipment to deal with a blowout, and the steps that would be taken to deal with a blowout.

"The BP oil spill has laid bare fundamental shortcomings in the oil and gas industry's ability to prevent and stop catastrophic blowouts," Interior Secretary Ken Salazar said in a statement announcing the notice.

The notice follows by 10 days a directive tightening requirements for equipment readiness, especially in the case of blowout preventers ( 109 DEN A-12, 6/9/10).

### **Rig Availability, Relief Wells**

The notice issued June 18 told lessees and operators that MMS is requiring the additional information with new plans or as a supplement to previously submitted plans. It said the requirements apply to exploration plans, development and production plans, and what are called development and coordination documents.

Among the requirements is the need for a blowout scenario with estimated flow rate, total volume, and maximum duration. The scenario must discuss the likelihood for surface intervention to stop the blowout and the availability of a rig to drill a relief well.

"Specify as accurately as possible the time it would take to contract for a rig, move it onsite, and drill a relief well, including the possibility of drilling a relief well from a neighboring platform or an onshore location," the notice said.

The notice required a description of "the measures you propose that would enhance your ability to prevent a blowout, to reduce the likelihood of a blowout, and conduct effective and early intervention in the event of a blowout, including your arrangements for drilling relief wells, and any other measures you propose."

Interior's announcement of the heightened requirements added that more information requirements might follow as spill investigations and environmental reviews continued.

*By Alan Kovski*

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*The Interior Department notice to offshore oil and gas lessees and operators on new information requirements for dealing with blowouts is available at <http://www.doi.gov/deepwaterhorizon/loader.cfm?csModule=security/getfile&pageid=35724>.*

**MSNBC.com**

## BP: Committed to London 2012 Olympics

Oil giant says has no intention to back out of \$58 million sponsorship

**The Associated Press**

updated 10:30 a.m. CT, Mon., June 21, 2010

LONDON - BP intends to remain one of the biggest London 2012 sponsors despite its problems in the Gulf of Mexico.

BP UK executive Peter Mather said Monday the company has no intention of withdrawing its sponsorship of the London Olympics, a deal valued at about \$58 million.

"This is something we've committed to a long time ago and will remain committed to," he said.

The company said it has spent \$2 billion responding to the massive ongoing oil spill triggered by an explosion on a BP oil rig April 20. It has come under criticism in the United States for its handling of the spill.

London 2012 organizing committee chairman Sebastian Coe confirmed BP's ongoing involvement.

"The partnership is still really strong," Coe said. "Their track record is one of the best. They understand the movement behind the games."

BP became a London Olympic sponsor in July 2008. The company is also a sponsor of the U.S. Olympic Committee.

The London organizing committee marked the start of the two-year countdown to the start of the 2012 Games by launching a series of sporting and cultural events across Britain.

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## 5. **INTERIOR:** Refuges, parks wage pitched battle against advancing crude (06/21/2010)

**Noelle Straub, E&E reporter**

GULF SHORES, Ala. -- After oil began spewing into the Gulf of Mexico from a damaged BP PLC well, the manager of Bon Secour National Wildlife Refuge here decided to take emergency action to protect the refuge's precious wetlands.

Calling on sister refuges to bring in heavy equipment, refuge manager Jereme Phillips and his three staffers resolved to build a line of defense against a growing slick: two sand berms and seven dunes.

"We can't fight this war by ourselves, obviously," Phillips said in an interview last week. "But immediately after the oil spill, we started looking for some opportunities where we could win some small battles just with the resources we have."

Refuges and national parks throughout the Gulf of Mexico region, home to numerous endangered species and protected coastline, have been struggling to adapt to the unprecedented threat posed by the ongoing oil spill.



BP contract crews remove oil from the beach at Bon Secour National Wildlife Refuge. Photo by Noelle Straub.

About a month ago, Bon Secour was hit with tar balls, and two weeks ago, large mats of emulsified oil began washing up on one of its beaches. Now, BP contract crews have brought backhoes, excavators and other heavy equipment into the refuge and are working both day and night to scoop up the mess.

Last week, a Fish and Wildlife Service staffer detailed from another state sped down the beach on a four-wheeler to check on the work. Federal agencies have assigned resource managers to accompany BP crews where they are working in refuges and parks to guide them in sensitive habitat areas, like near sea turtle nests.

The managers ensure the methods used by the crews are "much better on wildlife populations than the oil would be," Phillips said. "It's a balance

we're trying to strike."

The 7,000-acre refuge, which has 5 miles of beaches on the Gulf, is home to seven federally endangered species, including the Alabama beach mouse and the four kinds of sea turtles that nest here.

One of the new berms is meant to keep Gulf waters out of the wetlands during strong tides or tropical storms the area sees each year. But the berms and dunes aren't meant to be permanent, and refuge staff hope to remove them once the threat from oil passes -- although no one knows how long that will be.

Bon Secour has suffered major damage from hurricanes, with debris ranging from docks to whirlpools to large boats washing up on it. But Phillips says the spill is "so much worse" because the devastated well continues spewing oil into the Gulf.

"No matter how bad a hurricane is, the next day, you start on the road to recovery," he said. "You feel like you're really getting somewhere, as slow as it may be and as long as it may take."

Bon Secour usually attracts between 60,000 and 100,000 visitors each year. But many public parking lots are being used as staging areas for the cleanup, and while the beaches remain open, the state has issued health advisories against swimming.

As a result, visitor numbers have dropped significantly since the spill, which hurts the economies of nearby

towns. "We're very concerned about that, too, in addition to effects on wildlife and habitat," Phillips said.

Taylor Hicks, an Alabama native and "American Idol" star, recently filmed a commercial at the refuge for the state tourism bureau encouraging visitors to come to the area despite the spill.

## Turtles

Over in Florida, at the Fort Pickens area of Gulf Islands National Seashore, wooden stakes strung with pink tape mark off sea turtle nests on the beach, while boats contracted by BP for oil response chug along offshore. Green, loggerhead, leatherback and Kemp's ridley sea turtles come ashore briefly in the park to lay eggs and bury them in the sand.

Gulf Islands and Bon Secour each have about 30 sea turtle nests a year. The seashore usually has six to seven nests by now, but it currently only has three documented nests; the refuge has about five nests, also a little below average for this time of year. But officials from both areas said it is too early in the season to know whether the numbers have been affected by the oil spill.

"Right now, it's not particularly alarming," said Richard Clark, the seashore's chief of science and resources management.

The National Park Service is consulting with the Fish and Wildlife Service on whether, if a beach is heavily oiled, the baby turtles should be taken as they hatch and released on the East Coast. "It's unprecedented, but under these conditions, it's being considered," Clark said. "You don't want to intervene if you can help it."

This year, park officials decided the areas roped off around the turtle nests would be larger than normal, to give them more protection in case oil washes ashore and cleanup crews need to work on the beaches, Clark said.

## Seashore

The seashore also has posted perimeters for birds nesting on the shore, including least terns, black skimmers and snowy plovers.

"We are trying to establish buffers within site-specific cleanup plans to identify all sensitive areas," Clark said.



Refuge staff built the sand berm on the far side of this wetland at Bon Secour National Wildlife Refuge to prevent oily Gulf of Mexico water from reaching it. Photo by Noelle Straub.

Home to 13 federally endangered species and about 10 more state-listed species, the park has units in both Florida and Mississippi.

Park officials have taken photos and water quality samples at select points in order to record conditions before oil impacts. Regular water sampling will begin if oiling occurs, Clark said.

The park has had pea- to marble-size specks of oil and some pancake oiling, Clark said. But his "greatest nightmare" would be if a storm brings mass sludge onto shore, he added.

The park's beaches remain open, and last week, numerous visitors enjoyed the water. The decision to close the beaches would fall to new Superintendent Dan Brown, who just started last week.

Unlike in the refuge, there are no plans to build sand berms at the seashore, Clark said. The two agencies have somewhat different missions, with the Fish and Wildlife Service focused on protecting species. "The National Park Service's core mission is to let natural processes dictate as much as possible," he said.

Also, the 160 miles of barrier islands in the park make it a greater challenge to build berms there than at the smaller refuge, he added.

Boom has been deployed around sensitive areas like lagoons, seagrass and inlets, but not off beaches. "Because of the linear extent of the barrier islands, it's virtually impossible to ring these," Clark said.

Last week, area resident Roger Smith, who has been coming to the park for 50 years, fished off a pier in the park while boats just offshore deployed boom. Smith said he has scooped up one tar ball in a net. He hasn't seen, let alone caught, three types of fish usually abundant this time of year, he said, although he doesn't know if their absence is due to the oil.

The seashore -- one of his favorite places -- is finally recovering from hurricane damage, but he's worried one bad storm will bring in the oil.

"I hate it because we waited six years for this," he said. "I hope and pray it don't come in here and mess it up."

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Everything New Orleans

## Coast Guard seizes shrimp from two boats in closed fishing area

Published: Monday, June 21, 2010, 11:12 AM      Updated: Monday, June 21, 2010, 11:36 AM



**Martha Carr, The Times-Picayune**

The Coast Guard on Sunday seized approximately 30,000 pounds of shrimp from two boats that were **fishing in closed area** 35 nautical miles south of Terrebonne Bay.



Coast Guard officials boarded the fishing vessels Lady Monica and La Borrachita after receiving a tip that the boats were shrimping in prohibited waters. During the inspections, approximately 10,000 pounds of brown shrimp were found onboard Lady Monica and approximately 20,000 pounds of brown shrimp were found on the La Borrachita. The shrimp were returned to the sea.

"The Coast Guard is committed to ensuring a robust law enforcement presence in the restricted fishing area," said Lt. Cmdr. Carmen DeGeorge, chief of the Eighth Coast Guard District law enforcement branch. "We will continue to dedicate assets to the restricted area to ensure integrity of the Gulf of Mexico seafood."

Both vessels were issued written fisheries violations.

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Everything New Orleans

## Tern nesting areas being disturbed by oil spill cleanup workers, conservationist says

Published: Monday, June 21, 2010, 6:00 AM



Mark Schleifstein, The Times-Picayune

Last weekend Drew Wheelan, the Gulf of Mexico conservation coordinator for the **American Birding Association**, documented the near-destruction of several least tern nests on the sand in front of a Grand Isle beach house owned by the Nature Conservancy.



Drew Wheelan

A failed least tern egg from the constant traffic on the Grand Isle beach.

He took pictures of an unhatched egg -- white speckled with brown -- only a few inches from the track marks of an all-terrain vehicle, and of two days-old chicks precariously sitting in depressions created by a second set of tire tracks made by vehicles he believes are involved in cleaning up the **Gulf oil spill** created by the explosion and sinking of the Deepwater Horizon rig.

Disturbing least terns is a very big no-no. The gray and white shorebirds -- with a black cap sporting a thin band of white across their eyes -- are protected under the Migratory Bird Treaty Act, and individuals who disturb nesting areas are subject to fines of as much as \$15,000 or 6 months in jail.

"Lots of people just don't understand that these little birds lay their eggs on the ground, in the sand, where they hatch," said Melanie Driscoll, director of bird conservation for Audubon's Louisiana Coastal Initiative. "They don't build a nest, just sort of scrape an indentation in the sand."

The tiny chicks are fed by the adult birds, who feed in the nearshore surf and return, leaving the chicks unguarded at times, difficult to see from the driver's seat of a vehicle.

With vehicle access to the beach shut off to all but clean-up workers because of the oil spill, Wheelan



believes the disruption is being caused by BP contractors, Coast Guardsmen or National Guard troops -- who have turned a stretch of sand between water and beachfront levee into a highway.

"The very people that should be here trying to help us out have turned this beach into a veritable highway," Wheelan said on a video he's posted to YouTube. "There must not be any environmental oversight, otherwise this entire least tern colony would be flagged and marked and there'd be no traffic anywhere near it."

Even as he was **recording a video** of the disturbed nests, a huge dump truck drove right through the rookery, within a few feet of the nests.

Wheelan posted the pictures on his American Birders Association web log -- a running account of the race to protect birds in Louisiana and other Gulf Coast states from the effects of the Deepwater Horizon uncontrolled oil release.

They were quickly spotted by Louisiana Department of Wildlife & Fisheries avian biologist Michael Seymour, who rushed to the site to erect flags and stakes that would mark the nests as a no-drive zone.

Word of the near-disaster spread quickly. The next morning, Grand Isle Port Commission Executive Director Wayne Keller showed up at an early morning meeting with spill clean-up workers, warning them of the least tern nesting ground Wheelan identified and of several other nesting areas elsewhere on the island.

But delivering the message was apparently not enough.

"When I went out to Grand Isle again (on Wednesday) to take photos, to tell a good story about how quickly they responded, it was much worse than it had ever been," Wheelan said. The chicks were gone from the rut, which had been run over by even larger tire tracks, and no eggs could be seen.

"I've e-mailed U.S. Fish & Wildlife Service law enforcement officials and requested they start an investigation on this," he said. "I haven't heard back from them but somebody could just walk along the tracks and it would lead them to the ATV (all-terrain-vehicle) on that beach. Or they could take measurements and look at tire treads to determine the culprit."

A spokesman for the Fish & Wildlife Service said enforcement would be a state issue; a spokesman for the state Wildlife & Fisheries Department said the agency was focusing on educating clean-up workers.

"It is, certainly, frustrating to all parties involved, and LDWF will continue to do its best to stay on top of this issue," Seymour said in an e-mail response to questions about the incident. "Regarding the suggestion of legal proceedings: certainly such measures have not been ruled out, but we have begun very productive dialogue (for more than two weeks now) regarding this and other sensitive bird areas and contract workers."

Keller said he's also brought the concern to the attention of Coast Guard and BP officials at general planning meetings, and is making additional calls to officials aimed at educating the clean-up workers.

"Apparently, everybody didn't get the word," he said. "I think a lot of this is just ignorance, that these workers just don't understand that these nesting areas are there."

"I personally stopped one the other day, a Coast Guard guy, a really nice guy," Keller said. "'I'm sorry, I just didn't know any better,' he told me."

Keller said Grand Isle residents also have complained to him about the destruction of sand dunes along the beach by the worker vehicles.

The least tern incident also has spurred the National Audubon Society to offer as many as 27 volunteers to the U.S. Fish & Wildlife Service to help mark and monitor nesting areas on Grand Isle and other Louisiana beaches, Driscoll said.

6/21/2010

Tern nesting areas being disturbed by ...

"But it's equally important to only allow clean-up workers to access the beach through points that have been cleared as not containing nesting birds," she said.

*Mark Schleifstein can be reached at **[mschleifstein@timespicayune.com](mailto:mschleifstein@timespicayune.com)** or 504.826.3327.*

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## ‘Last hope’ of relief well not guaranteed to work



[Show Caption](#) Patrick Semansky/AP

- By [SANDY DAVIS](#)
- Advocate staff writer
- Published: Jun 20, 2010 - Page: 1A

### [Comments \(7\)](#)

From almost Day One of the oil disaster in the Gulf of Mexico, BP has said that if everything else fails to shut down the company's gushing well, the long-awaited relief well will do the job.

Last week, Tony Hayward, BP's embattled chief executive officer, told Congress a relief well is now the only hope left to shut off the out-of-control well.

"There are no other options," Hayward told Congress. "The pressure in this well is such that it's not possible to kill it from the top."



That was evident several weeks ago when the company tried to shut off the spewing well by shooting shredded golf balls, tires and ropes along with heavy drilling mud down through the top of the well. But the “top kill” effort failed.

In fact, BP officials and United States Coast Guard Adm. Thad Allen, who is in charge of the federal response to the oil leak, said the pressure put on the well bore was so great during “top kill,” that the situation could have been made worse: The well bore could have come apart and the oil could have started leaking through the sea floor with no way to contain it.

There’s only one way to fix all of these problems, Hayward said.

“We’ll have to rely on the relief wells,” he told Congress.

But does a relief well work?

A relief well is a diagonally drilled well that intersects with the original well. Cement is placed in the leaking well to plug it.

Most oil experts say it will work. But they warn that BP should take its time drilling the well to avoid the problems the company previously had when it drilled the first well and ended up with what one BP engineer called a “nightmare well.”

Dwayne Bourgoyne, an assistant professor at the Colorado School of Mines, said early reports show the company made fundamental errors drilling the first well.

“The first errors are ones that were related to the company being in a hurry to finish the well,” Bourgoyne said. “They’re going to have to resist pressure from just about everyone to get this relief well finished quickly.”

But last week, Allen and Kent Wells, BP’s vice president of Exploration, both said drilling for the first relief well was ahead of schedule.

“We anticipate over the next three to four weeks they will close in and be able to tap into the well itself,” Allen said Thursday of how close the first relief well is to BP’s blown-out Macondo well on Block 252 of the Mississippi Canyon in the Gulf.

Allen said Friday that the first relief well, which the Development Driller III began drilling May 2, has reached a depth of 15,677 feet.

Development Driller II began drilling the second relief well on May 16, at the request of President Barack Obama, as a backup to the first relief well. It’s lagging behind and has reached 9,662 feet below the surface of the Gulf, Allen said.

Early estimates for completion of both wells was early- to mid-August. While Allen said Friday that the first well could be finished early, Wells was reluctant to agree.

“Things have gone well but that doesn’t always mean they’ll continue to go well,” Wells told a group of reporters during a technical briefing. “We haven’t changed our official completion date. It’s still early August.”

The leak began after the Deepwater Horizon oil rig exploded April 20, killing 11 workers. It collapsed into the Gulf two days later.

Since then, oil continues to gush from the well at a rate of 35,000 barrels to 60,000 barrels of oil a day, a group of government scientists has said.

BP is capturing about 25,000 barrels a day using two containment devices: a lower marine riser cap and an Evergreen flaring or burning device.

But BP's live video feed shows that some oil is escaping the containment attempts and is still pouring into the Gulf.

It is the worst oil leak in U.S. history.

### **Killing the well**

Relief wells are drilled diagonally and the goal is to intersect with the original well. Drilling on the relief wells began about a half-mile from the site of the original well.

When it reaches the original well, the relief well will first drill into the space between the rock and earth strata and the outside of the casing, a larger pipe that holds the smaller drilling pipe inside.

Wells said that at some point, drillers will cut into the casing of the original well.

Finally, relief well drillers will begin pouring drilling mud, which is much heavier than the oil and gas, into the well.

Drilling mud will help control the pressure and stop the flow of oil and gas. In other words, they'll kill the well.

Once it is under control, cement plugs will be injected into the well.

BP's Macondo well is about 18,000 feet below the Gulf's surface, which includes 5,000 feet of Gulf water. That leaves the first relief well only about 2,500 feet above BP's pay-zone.

Drillers call the area where there are piles of rocks with pores filled with oil pay zones.

Jeff Hughes, president of the American Association of Drilling Engineers, said there is enormous pressure at the depth, estimating it's about 13,000 pounds per square inch.

The pressure sucks the oil and gas out of the pores of the rocks and sends them up the drilling pipe to the waiting oil companies on the Gulf's surface.

The relief well is within 200 feet of the original well, but still 2,500 feet above the oil, Wells said Friday.

From there, the company will start the slow process of "ranging," he said.

During ranging, workers drill a few feet and then send out sensor devices to see if they can locate the original well.

Wells said it takes time because the work is done slowly. Finding the well is done by trial and error.

"What we're doing is honing in on where the well is," he said. "We'll pinpoint an area and see if we made the right

If not, they'll cement that area, back up and try again.

“We want to know exactly where it is,” Wells said.

Once they find the original well, they will continue to drill down, staying parallel but close to the original well. It's unclear how far down they'll drill before they intersect it.

The relief well, which is the size of a Frisbee, is trying to find the blown-out well, which is also about 10 inches wide; one Frisbee looking for another 15,000 feet below the surface of the water.

David Resnick, who in about two weeks will be president of the American Association of Petroleum Geologists, said Friday that there is almost no chance BP will hit its target the first time around.

“If they do, I'll be impressed,” said Resnick, who has about 40 years of experience drilling in the Gulf.

But it is unknown whether BP will reveal how many tries it takes them to find the original well.

Bourgoyne, who teaches at the Colorado School of Mines, said BP's relief well drillers do have at least one advantage.

In the original well, drillers put in casing, the metal pipe that encloses the much-smaller drilling pipe, he said.

“They will be able to detect that metal,” Bourgoyne said of the casing. “They'll be using a tool that's almost like a compass and it will respond to the metal.”

### **Other relief wells**

The worst oil leak in the Gulf of Mexico happened June 3, 1979, when the Ixtoc I well in Mexico's Bay of Campeche blew out, Tyler Priest said.

Priest is one of the authors of the 1997 book “Offshore Pioneers, Brown & Root and the History of Offshore Oil and Gas.” He is also a professor and director of Global Studies at the University of Houston.

The Ixtoc I rig exploded in 150 feet of water when drillers lost control of the well, which was 11,863 feet below the sea floor. But unlike the Deepwater Horizon, all 70 rig workers were rescued, Priest said.

The well was drilled by Pemex, the Mexican state oil company, and Brown & Root. But Pemex took the lead in trying to plug the well.

Pemex tried a top kill, a junk shot and even a “sombbrero,” similar to BP's planned “top hat.” That's when a cap that looks much like a top hat, or in Mexico's case, a sombrero, is placed over the leak to capture the oil.

The “sombbrero” was deemed a failure because it was too small compared with the amount of oil leaking and the pressure from the well.

By the end of June, Pemex decided to drill two relief wells, Priest said. Pemex famously estimated that the relief wells would stop the flow by October.

That didn't happen. It took until November for the first relief well to reach the original well and February for the second relief well to reach it.

Bad weather, particularly hurricanes, caused most of the delays, Priest said.

But killing the original well wasn't easy, even when the relief wells reached their target, Priest said. The oil from the blown-out well didn't stop flowing until March 25, 1980.

Oil from the well soiled more than 100 miles of Texas beaches.

The Ixtoc 1 leaked about 3.3 million barrels of oil over a 10-month period, making it one of history's worst leaks — at least so far.

It's difficult to tell how much oil has leaked into the Gulf from the Deepwater Horizon well because BP's containment devices haven't captured much oil compared with what's leaking

But if all of the oil had leaked into the Gulf for the past 60 days from the Deepwater Horizon well, it would mean that 2.1 million barrels to 3.6 million barrels have already leaked.

### **Technological advances**

Experts say that Pemex's problems with relief wells should not happen to BP.

"Technology has come a long way since then," said Hughes, the president of American Association of Drilling Engineers.

Even if BP weren't drilling relief wells, it probably would be drilling a diagonal well, Hughes said.

"You drill straight down when you're drilling an exploratory well," Hughes said of BP's first well. "Then you drill a development well, which is what BP would be drilling now to produce the oil and gas, and that's done diagonally."

He does acknowledge that "steering" a directional drill bit is a little harder than drilling straight down into the earth. But he says it still falls under "routine."

"They shouldn't have any trouble at all," he said.

Hughes said the challenge is simply that BP is "drilling a deep well in deep water."

One of the most-recent well blow outs occurred in the Timor Sea off of the coast of Australia.

Drilled by the Thai-owned PTT Exploration and Production Co., the well exploded in August.

It leaked for 10 weeks while the company worked to drill a relief well.

But the project hit a major snag when the rig drilling the relief well also exploded and burned.

Once drilling began again, it took five tries before the relief well found the original well.

Workers stopped the leak in November, but didn't plug the well until January, records show.

One of the challenges facing the relief well drillers is the chance that once they hit the original well, drilling mud they're pumping will disappear.

The mud is supposed to circulate — go down to the bottom of the well and come back up. Drillers should be able to account for all of it.

“When drilling mud disappears, that’s not a good sign,” Hughes said.

He was on a rig several years ago near Marsh Island in the Gulf when drillers started losing drilling mud. The well, which produced gas, blew out, and the rig had to be evacuated. The company ended up drilling a relief well to close off the original well.

Bourgoyne, of Colorado, agreed. Losing drilling mud is called losing circulation, he said.

“When that happens, you can lose control of the well,” he said. “They have to watch out for that.”

But BP officials are confident relief wells will work.

“We are taking precautions, and we are taking our time,” Wells has said.

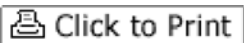
Each step the company takes dealing with the out-of-control well, Wells said, is painstakingly planned in advance.

The relief well is no different, he said.

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## Oil spill hits close to home for New Orleans attorney

By [Raymond Legendre](#)  
Staff Writer

*Published: Monday, June 21, 2010 at 12:00 p.m.*

THIBODAUX — Throughout his three-decade career, lawyer Walter Leger Jr. has been involved in civil lawsuits involving the tobacco industry, a gas leak and ship collisions.

But he's never been involved in a civil suit like the one he's currently handling for the Lafourche Parish District Attorney's Office.

Leger is representing the agency in its suit against BP for damages the company's mammoth oil spill caused Lafourche Parish's wildlife. District Attorney Cam Morvant II personally asked Leger to take the case.

Leger has handled other cases that affected large numbers of people but never one this close to this native Louisiana.

"All of them are sad, but this is home," he said. "This is impacting more than a group of people; this is impacting a way of life."

Leger, whose office is based in New Orleans, is well-versed in the struggles hurricanes have caused Lafourche and Terrebonne residents. "Just as we were getting Katrina and Rita in our rearview mirror, we've got this (oil spill)," he said.

When his peers and friends comment about how fortunate he is to be involved in this suit, Leger's response sometimes surprises them.

He tells them, "Yeah, but I wish it would go away ... This is our way of life."

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# Jimmy Buffett, friends plan concert for Gulf Coast

**Posted:** June 21, 2010 - 12:31am

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GULF SHORES, Ala. - Jimmy Buffett

and a few of his friends plan to give a free concert on the Alabama coast to show support for the Gulf region.

Alabama tourism director Lee Sentell says show will be July 1 on the beach at Gulf Shores.

Buffett's website says the concert is meant to demonstrate support for the people, businesses and culture of the Gulf Coast. It will be broadcast live on CMT.

Buffett and his Coral Reefer Band will be joined in Gulf Shores by Sonny Landreth, Zac Brown Band, Kenny Chesney, Jesse Winchester and Allen Toussaint.

A special souvenir T-shirt will be designed for the concert. It will be available online and at the show.

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Jun 20, 11:50 AM EDT

## Damage claims chief urges people to seek payments

WASHINGTON (AP) -- The head of the new office set up to handle damage claims for the Gulf oil spill is pledging that all eligible and legitimate claims will be paid - and paid promptly.

Ken Feinberg, who's the chief of the Independent Claims Facility, wants victims to come forward, file a claim for an emergency payment and then work with the office to come up with a claims program.

Last week BP agreed to President Barack Obama's request for a \$20 billion compensation fund.

Feinberg dismisses one Republican's description of the fund as a "shakedown." He says he's been getting bipartisan advice and that it doesn't help to "politicize" the program. Advertisement

Feinberg spoke Sunday on NBC's "Meet the Press."

THIS IS A BREAKING NEWS UPDATE. Check back soon for further information. AP's earlier story is below.

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## AP AUDIO

Ken Feinberg, who heads the new office to handle damage claims for the Gulf oil spill, says all valid claims will be paid. COURTESY: NBC's 'Meet the Press'

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Ken Feinberg, who heads the new office to handle damage claims for the Gulf oil spill, says he is operating under no restrictions. COURTESY: NBC's 'Meet the Press'

## AP AUDIO

Ken Feinberg, who heads the new office to handle damage claims for the Gulf oil spill, says he has been given clear marching orders by President Barack Obama.



[guardian.co.uk](http://guardian.co.uk)

## Tony Hayward's worst nightmare? Meet Wilma Subra, activist grandmother

BP chief's Congress grilling could be eclipsed by a Louisiana chemist, who for 30 years has represented local people against big oil

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**Suzanne Goldenberg** in New Iberia, Louisiana  
[guardian.co.uk](http://guardian.co.uk), Sunday 20 June 2010 20.27 BST

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**A** [larger](#) | [smaller](#)

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Wilma Subra,

environmental scientist. New Iberia, Louisiana. Photograph: Julie Dermansky for the Guardian

The long table at the back of Wilma Subra's office in rural [Louisiana](#) is covered with stacks of paper, several of which look in danger of sliding into a heap on the floor. There are legal briefs, chemical lab reports and government memos. But if Subra had to sum up each stack in a single phrase, it might come down to this: public good versus toxic industry.

The paperwork generated by the [oil](#) spill catastrophe in the Gulf of Mexico is beginning entirely to take over another whole room.

Subra's phone began ringing the morning after the explosion on the Deepwater Horizon, with calls from friends and neighbours who had men on the rig. More calls came in when the southerly winds coming off the Gulf brought headaches, nausea and breathing difficulties to people on the coast. These days, the phone rings constantly.

"I've gotten 300 to 400 complaints," she said, ticking off the names of Louisiana's coastal localities on her fingers. "Headaches, dizziness, stinging eyes, some chest pains ... They come in at night very sick, but they need that job, so they go out again the next morning."

Subra began making space for another towering stack of papers. Over the past 30 years, the chemist has used her expertise on dozens of occasions to defend local communities against Louisiana's powerful oil and gas industry.

The potential danger to human health from the millions of barrels of oil gushing into the Gulf for the last two months is only just beginning to command public attention.

Members of Congress pressed BP's chief executive, [Tony Hayward](#), last week on reports that hundreds of workers had fallen sick from oil fumes, and asked if the company was

prepared to pay their long-term health costs. Hayward said it was up to the independent manager of the \$20bn (£13.5bn) claims fund.

Subra was already on the case. She and the Louisiana Environmental Action Network have been using the courts and political connections to compel BP to provide respirators and other protective gear to workers out on the boats fighting the spill, and to protect vulnerable populations on land.

"I am not being impacted, but a lot of people are being impacted. They need help in understanding what is going on," she said.

Subra has met regularly with Obama administration officials visiting the Gulf. Earlier this month, she testified before a committee of Congress investigating the spill and its after-effects. History has shown responders to oil spills often suffer headaches and other symptoms, and in the long term are at higher risk of central nervous system damage, kidney and liver damage, and cancer.

Early reports from this spill are patchy but suggest a growing number of workers have suffered after laying booms or operating skimmers.

In addition, US worker safety regulations do not apply more than three miles offshore, leaving workers based near the ruptured well exposed.

A lesser woman might be discouraged. But such evasions are familiar to Subra after half a lifetime of doing battle with big industry. Her first big fight was in her local parish. In those days, there was so much gas leaking into aquifers that you could set tap water on fire.

She has worked on natural gas drilling in Texas and Wyoming, has helped communities living near polluted shipyards in San Francisco, and covered the potential impacts of importing Italian nuclear waste through New Orleans.

She has trained people in rural areas to monitor emissions from refineries and chemical plants, so they can sound the alarm if air quality deteriorates to dangerous levels. She encouraged them to keep logs of symptoms and report powerful odours.

"The science background was critical. Looking at all the environmental issues, you had to understand what the impact meant, and put it in terms the government agencies could respond to."

Her advocacy on environmental and health issues for local communities – fishermen, trappers, native American tribes – led CNN to call Subra another Erin Brockovich.

The comparison to Brockovich, a beauty queen turned consumer advocate who seeks the spotlight, embarrasses Subra, a soft-spoken grandmother who attends mass and wears her hair in a bun.

Brockovich spent three days in Louisiana earlier this month, looking for clients. "I was doing this long before she was around," said Subra.

She blushes when asked if she sees herself as an activist. But she said she accepts that publicity and politics are crucial to a winning cause.

She sees herself as a technocrat. "I am not the one screaming and beating my fists on the table," she said. "But I am sure a lot of the companies consider me an activist. They figure if Wilma wasn't there, the communities would not be able to represent the information."

Others employed by industry may have come to a similar conclusions. Subra said she is used to the occasional snub at church social events. And four years ago, a gunman in a

passing car fired a single shot at her office. Subra moved her desk away from the window.

With this spill, she sees two clear areas of danger. On the frontline are workers out on the water, directly exposed to crude, to the toxic chemicals from the more than 1m gallons of dispersant, and to the fumes from the burning of oil carried out near the sunken rig. Then there is the general population, which is facing a lengthy exposure to tiny airborne particles of crude oil.

"A lot of people are thinking that if the well stops flowing, these issues are going away, but they are not going to go away for a very long time," she said.

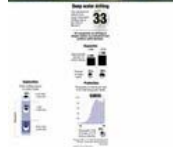
And neither will the stack of papers in Subra's office.

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## Pro: Moratorium allows government to revamp regulation, paves road for clean energy

By [JJ VELASQUEZ](#) •

Originally published June 20, 2010 at 10:09 p.m., updated June 20, 2010 at 11:05 p.m.



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**TIMELINE**APRIL 20: The Deepwater Horizon oil rig explodes. A U.S. Coast Guard search for the missing crewmen began by air and sea but, after three days, was called off. Yorktown native Adam Weise and Bay City native Jason Anderson ...

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APRIL 20: The Deepwater Horizon oil rig explodes. A U.S. Coast Guard search for the missing crewmen began by air and sea but, after three days, was called off. Yorktown native Adam Weise and Bay City native Jason Anderson are among the 11 deaths.

APRIL 24: Officials discover two leaks from a drilling pipe 5,000 feet below the surface. Lamentations over the deaths of the men and prayers for their families soon turn to worries about the dangerous effect the subsequent oil spill could have on the ecology of the Gulf of Mexico and domestic seafood production.

APRIL 25: The Gulf oil spill covers 600 square miles. Estimations of how much oil is being leaked into the Gulf increase week to week.

APRIL 30: President Obama orders Interior Department Secretary Ken Salazar to prepare a report and evaluate if offshore drilling safety measures could be implemented.

MAY 27: After BP botches attempts to plug the leak, Obama announces a six-month moratorium on offshore drilling in deep water. The moratorium shuts down 23 rigs at depths of 500 feet or more, according to the Louisiana Oil and Gas Association.

JUNE 9: Seadrift shrimper Diane Wilson protests at a Senate Energy Committee hearing by pouring Karo syrup, meant to look like oil, on herself.

JUNE 16: A Seahawk Drilling rig off the shore of Cameron, La., shuts down, even though it drills in shallow water. Cuero native Thomas Webb is furloughed by the company because of confusion over new regulations and pending stipulations. The Louisiana Oil and Gas Association estimated the moratorium can affect up to 32,000 American jobs.

Seadrift shrimper Diane Wilson doused herself in what was intended to look like oil during a June 9 Senate Energy Committee hearing.

Wilson admits she goes to great lengths to make people pay attention to what she describes as our addiction to oil. But ever since the gushing oil leak in the Gulf of Mexico captured the media spotlight, she doesn't need to bring attention to it.

"Finally, I get to talk about the issues I have been trying to scream about for the last 20 years," she said.

Wilson hopes the eventual outcome of the six-month offshore drilling moratorium, which calls an end to new drilling in water deeper than 500 feet, is a permanent ban on offshore drilling and a move to a cleaner energy source.

The moratorium came after cable news networks began showing a live feed of the leak, and news outlets around the world flocked to the shores of Louisiana and along the Gulf Coast to tell the stories of the environmental disaster.

"The writing's on the wall," she said. "If we have to be dragged kicking and screaming into a cleaner, greener energy source, we have to do it."

Donna Hoffman, a spokeswoman for the Texas chapter of the Sierra Club, agrees.

"Offshore drilling is not safe, and it may very well have caused the death of a large part of the Gulf of Mexico," she said. "We can't take that risk with our wildlife resources. It's extremely damaging to the economy of the Gulf region."

A native of Corpus Christi, Hoffman said Texas has many success stories when it comes to clean energy production.

Texas leads the nation in wind power generation, according to the American Wind Energy Association.

Phasing out of oil as an energy source would not be economically problematic because clean energy will fuel a new green economy, she said.

Luke Metzger, spokesman for advocacy group Environment Texas, is not proposing the nation abandon oil as an energy resource. Rather, he hopes for a reduction in its use.

"Reducing our use of oil will have great benefits," he said.

Metzger said he hopes the president's commission conducts a thorough review of the government's permitting enforcement program to ensure that "agencies are a watchdog and not a partner of the oil and gas industry."



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This Fall

June 20, 2010

# Lapses Found in Oversight of Failsafe Device on Oil Rig

By THE NEW YORK TIMES

*This article is by **David Barstow, Laura Dodd, James Glanz, Stephanie Saul and Ian Urbina.***

It was the last line of defense, the final barrier between the rushing volcanic fury of [oil](#) and gas and one of the worst environmental disasters in United States history.

Its very name — the blind shear ram — suggested its blunt purpose. When all else failed, if the crew of the Deepwater Horizon oil rig lost control of a well, if a dreaded blowout came, the blind shear ram's two tough blades were poised to slice through the drill pipe, seal the well and save the day. Everything else could go wrong, just so long as "the pinchers" went right. All it took was one mighty stroke.

On the night of April 20, minutes after an enormous blowout ripped through the Deepwater Horizon, the rig's desperate crew pinned all hope on this last line of defense.

But the line did not hold.

For days, technicians and engineers worked furiously to figure out why, according to interviews and hundreds of pages of [previously unreleased notes](#) scrawled by industry crisis managers in the disaster's immediate aftermath.

Engineers sent robotic submersibles 5,000 feet deep to prod the blind shear ram, nestled in the

bosom of a five-story blowout preventer standing guard over the Macondo well.

They were driven on, [documents](#) and interviews reveal, by indications that the shear ram's blades had come within a few maddening inches of achieving their purpose. Again and again, they tried to make the blades close completely, knowing it was their best chance to end the nightmare of oil and gas billowing into the Gulf of Mexico.

"If that would've worked," a senior oil industry executive said of the blind shear ram, "that rig wouldn't have burned up and sunk."

Much remains unknown about the failure of this ultimate failsafe device. It continues to be a focus of inquiries, and some crucial questions will not be answerable until the blowout preventer is recovered from the sea.

But from [documents](#) and interviews, it is possible to piece together some of the decisions and events that came into play when the Deepwater Horizon most needed the blind shear ram.

Engineers contended with hydraulic fluid leaks that may have deprived the ram of crucial cutting force. They struggled to comprehend what was going on in the steel sarcophagus that encased the shear ram, as if trying to perform surgery blindfolded.

They wondered if the blades had by chance closed uselessly on one of the nearly indestructible joints that connect drilling pipe — a significant bit of misfortune, given a decision years before to outfit the Deepwater Horizon's blowout preventer with just one blind shear ram when other rigs were already beginning to use two of them to guard against just this possibility.

But the questions raised by the failure of the blind shear ram extend well beyond the Deepwater Horizon.

An examination by The New York Times highlights the chasm between the oil industry's assertions about the reliability of its blowout preventers and a more complex reality. It reveals that the federal agency charged with regulating [offshore drilling](#), the [Minerals Management Service](#), repeatedly declined to act on advice from its own experts on how it could minimize the risk of a blind shear ram failure.

It also shows that the Obama administration failed to grapple with either the well-known weaknesses of blowout preventers or the sufficiency of the nation's drilling regulations even as it made plans this spring to expand offshore oil exploration.

“What happened to all the stakeholders — Congress, environmental groups, industry, the government — all stakeholders involved were lulled into a sense of what has turned out to be false security,” [David J. Hayes](#), the deputy interior secretary, said in an interview.

Even in one significant instance where the Minerals Management Service did act, it appears to have neglected to enforce a rule that required oil companies to submit proof that their blind shear rams would in fact work.

As it turns out, [records and interviews show](#), blind shear rams can be surprisingly vulnerable. There are many ways for them to fail, some unavoidable, some exacerbated by the stunning water depths at which oil companies have begun to explore.

But they also can be rendered powerless by the failure of a single part, a point underscored in a [confidential report](#) that scrutinized the reliability of the Deepwater Horizon's blowout preventer. The report, from 2000, concluded that the greatest vulnerability by far on the entire blowout preventer was one of the small shuttle valves leading to the blind shear ram. If this valve jammed or leaked, the report warned, the ram's blades would not budge.

This sort of “single-point failure” figures prominently in an emerging theory of what went wrong with the Deepwater Horizon's blind shear ram, according to interviews and documents. Some evidence suggests that when the crew activated the blind shear ram, its blades tried to cut the drill pipe, but then failed to finish the job because one or more of its shuttle valves leaked hydraulic fluid.

These kinds of weaknesses were understood inside the oil industry, [documents and interviews show](#). And given the critical importance of the blind shear ram, offshore drillers began adding a layer of redundancy by equipping their blowout preventers with two blind shear rams.

By 2001, when Transocean, now the world's largest offshore drilling contractor, acquired the Deepwater Horizon, it had already begun equipping its new rigs with blowout preventers that could easily accommodate two blind shear rams.



Today, Transocean says 11 of its 14 rigs in the gulf have two blind shear rams. The company said the three rigs that do not were built before the Deepwater Horizon.

Likewise, every rig currently under contract with BP, which had been renting the Deepwater Horizon, comes with blowout preventers equipped with two blind shear rams, according to BP. While no guarantee against disaster, drilling experts said, two blind shear rams give an extra measure of reliability, especially if one shear ram hits on a joint connecting two drill pipes.

“It’s kind of like a parachute — it’s nice to have a backup,” said Dan Albers, a drilling engineer who is part of an independent investigation of the disaster.

But neither Transocean nor BP took steps to outfit the Deepwater Horizon’s blowout preventer with two blind shear rams. In a statement, BP pointed to the need for the rig to carry its blowout preventer from well to well.

BP said space limitations on the Deepwater Horizon would have prohibited the company from adding a second blind shear ram to the existing configuration on the blowout preventer. But other experts told The Times that a second blind shear ram could have been swapped in for some other component.

In a statement, Transocean said BP would have been responsible for deciding whether the blowout preventer was equipped with one or two blind shear rams; BP said both companies would have been involved.

Whatever the reasoning, the result was that the Deepwater Horizon was left with just one blind shear ram to contain a blowout. And yet, The Times examination found, government regulations do not require any regular checks of several important elements of blind shear rams.

What’s more, when those elements were put to the test after the blowout, some appeared to malfunction. In addition, interviews and documents show that after the crew abandoned the rig, the initial frantic efforts to find another way to activate the blind shear ram were hampered by the lack of submersibles with sufficient power.

Teams of engineers knew they were up against the clock. With each passing hour, more oil and

well debris were rattling up through the blowout preventer under tremendous force, almost certainly chewing away at the blades of the blind shear ram — the very blades they still hoped and prayed would come to their rescue.

### **Vulnerable Devices**

Last year, Transocean commissioned a “strictly confidential” study of the reliability of blowout preventers used by deepwater rigs.

Using the world’s most authoritative database of oil rig accidents, a Norwegian company, Det Norske Veritas, focused on some 15,000 wells drilled off North America and in the North Sea from 1980 to 2006.

It found 11 cases where crews on deepwater rigs had lost control of their wells and then activated blowout preventers to prevent a spill. In only six of those cases were the wells brought under control, leading the researchers to conclude that in actual practice, blowout preventers used by deepwater rigs had a “failure” rate of 45 percent.

For all their confident pronouncements about blowout preventers (the “ultimate failsafe device,” some called it), oil industry executives had long known they could be vulnerable and temperamental.

Rising five or more floors and weighing hundreds of thousands of pounds, these devices were daunting in their scale and complexity. There were hundreds of ways they could malfunction or be improperly maintained, tested and operated. Not only did they have to withstand extreme environments, they were relied upon to tame the ferocious forces often unleashed when drilling rigs penetrate reservoirs of highly compressed oil and gas.

They were also costly to maintain. An industry study last year estimated the price of stopping operations to pull up a blowout preventer for repairs at \$700 per minute.

Those costs could be enough to draw the attention of Wall Street. Last August, during a conference call with investment analysts, [Steven L. Newman](#), the chief executive of Transocean, was asked why his deepwater fleet had been paid for fewer days of drilling compared with earlier in the year.

Mr. Newman said the fleet had experienced a “handful of B.O.P. problems.”

But he assured the analysts that the problems were not systemic. “They were anomalies,” he said. “I would just leave it at that.”

A draft of another industry-financed study this year contended that companies cut corners on federally mandated tests of blowout preventers. A copy obtained by The Times described a mentality of “I don’t want to find problems; I want to do the minimum necessary to obtain a good test.”

It also included this observation: “Often there is a great deal of pressure to run the B.O.P. stack before it is deemed fit for purpose by the experts who maintain and test the equipment.”

When the report was finalized, those criticisms were omitted, although it is not clear why.

### **Last Finger in the Dike**

Blowout preventers are designed to handle a range of well control problems. They come with several types of rams, giving rig workers flexibility if a situation escalates. But one component in particular has to work properly: the blind shear ram, the last finger in the dike during an uncontrolled blowout.

The danger is not merely theoretical.

More than three decades ago, the failure of a shear ram was partly to blame for one of the largest oil spills on record, a blowout at the Ixtoc 1 well off the Yucatan Peninsula in Mexico. Descriptions of the accident at the time detailed problems both with the shear ram’s ability to cut through thick pipe and with a burst line carrying hydraulic fluids to the blowout preventer.

In 1990, a blind shear ram could not snuff out a major blowout on a rig off Texas. It cut the pipe, but investigators found that the sealing mechanism was damaged. And in 1997, a blind shear ram was unable to slice through a thick joint connecting two sections of drill pipe during a blowout of a deep oil and gas well off the Louisiana coast. Even now, despite advances in technology, it is virtually impossible for a blind shear ram to slice through these joints. In an emergency, there is no time for a driller to make sure the ram’s blades are clear of these joints,

which can make up almost 10 percent of the drill pipe's length.

The problems highlighted by these cases were common knowledge in the drilling industry.

But in two studies, in 2002 and 2004, one of the industry's premier authorities on blowout preventers, [West Engineering Services](#) of Brookshire, Tex., found a more basic problem: even when everything worked right, some blind shear rams still failed to cut pipe.

West's experts concluded that calculations used by makers of blowout preventers overestimated the cutting ability of blind shear rams, so-called because they close off wells like a window blind. Modern drill pipe is nearly twice as strong as older pipes of the same size. In addition, the intense pressure and frigid temperatures of deep water make it tougher to shear a pipe. These and other "additive pressures," the researchers found, can demand hundreds of thousands of additional pounds of cutting force.

Yet when the team examined the performance of blind shear rams in blowout preventers on 14 new rigs, it found that seven had never been checked to see if their shear rams would work in deep water. Of the remaining seven, only three "were found able to shear pipe at their maximum rated water depths."

"This grim snapshot," the researchers concluded, "illustrates the lack of preparedness in the industry to shear and seal a well with the last line of defense against a blowout."

Yet as the industry moves into deeper waters, it is pressing to reduce government-mandated testing of blowout preventers. BP and other oil companies helped finance a study early this year arguing that blowout preventer pressure tests conducted every 14 days should be stretched out to every 35 days. The industry estimated the change could save \$193 million a year in lost productivity.

The study found that blowout preventers almost always passed the required government tests — there were only 62 failures out of nearly 90,000 tests conducted over several years — but it also raised questions about the effectiveness of these tests.

"It is not possible," the study pointed out, "to completely simulate" the actual conditions of deepwater wells.

## **Flawed Oversight**

BP is the largest oil producer in the Gulf of Mexico. It pumped 182 million barrels of crude oil from the gulf last year, and it is leading the charge to go deeper. Last fall, while working on another BP well, the Deepwater Horizon drilled a record 35,055 feet.

As with BP, the rig's owner, Transocean, was aware of the vulnerabilities and limitations of blowout preventers.

But they were not the only ones.

The Minerals Management Service knew the problems, too. In fact, the agency helped pay for many of the studies that warned of their shortcomings, including those in 2002 and 2004 that raised doubts about the ability of blind shear rams to cut pipe under real-world conditions.

In some cases, the agency did not act on the recommendations of its consultants. But in 2003, it adopted a regulation requiring companies to submit test data proving that their blind shear rams could work on the specific drill pipe used on a well and under the pressures they would encounter. Companies had to submit this information to get drill permits.

At least, that was the way it was supposed to work.

Last year, when BP applied for its permit to drill the Macondo well, its application was reviewed by Frank Patton, an engineer in the New Orleans office of the Minerals Management Service. With nearly three decades of experience working for the agency and the oil industry, Mr. Patton was fully aware of the blowout preventer's importance.

"It is probably the most, in my estimation, the most important factor in maintaining safety of the well and safety of everything involved, the rig and personnel," he testified last month during the Coast Guard's inquiry into the disaster.

Yet Mr. Patton said he approved BP's permit without requiring proof that its blowout preventer could shear pipe and seal a well 5,000 feet down. "When I was in training for this, I was never, as far as I can recall, ever told to look for this statement," he explained.

Mr. Patton said he had approved hundreds of other well permits in the gulf without requiring

this proof, and BP likewise contends that companies have never been asked to furnish this proof on drilling applications.

In subsequent testimony, Michael Saucier, the agency's regional supervisor for field operations in the gulf, insisted that the regulation was enforced. But asked if anyone ensures that a blowout preventer functions properly, Mr. Saucier replied, "I don't know if somebody does or not."

Capt. Hung M. Nguyen, the co-chairman of the Coast Guard inquiry, seemed incredulous at the agency's deference to the industry on the most critical of safety devices.

"So my understanding," Captain Nguyen said, "is that it is designed to industry standard, manufactured by industry, installed by industry, with no government witnessing oversight of the construction or the installation. Is that correct?"

"That would be correct," Mr. Saucier said.

### **Adding Protection**

As a consequence of this arrangement, the agency had little likelihood of knowing what engineering consultants had determined in 2000, when they were asked to assess the specific vulnerabilities of the Deepwater Horizon's blowout preventer. The consultants, hired by the blowout preventer's manufacturer, Cameron, zeroed in on what they considered the most serious weakness: the potential failure of the blind shear ram to close.

The consultants said the Deepwater Horizon's blind shear ram was vulnerable to "single-point failure." In other words, the breakdown of just one part could result in a catastrophic failure. The consultants focused on one of several T-shaped shuttle valves, which control the flow of pressurized hydraulic fluid that pushes the shear ram's blades together.

This particular valve has no backup, so if it gets stuck or leaks hydraulic fluid, disaster beckons. In fact, the consultants concluded that this one shuttle valve represented 56 percent of the blowout preventer's "failure likelihood."

"Care should be taken to ensure the highest reliability possible from this valve," they wrote.

In a written statement, BP said the consultants' report was used "to ensure that critical components and maintenance activities are clearly understood so that system reliability remains high." The company said a portion of the assessment not seen by The Times found that the blowout preventer's overall risk of failure was tiny. It declined to release that part of the report.

In the 61 days since the blowout, BP and Transocean have clashed over who was responsible for what on the Deepwater Horizon. In written responses to questions, BP and Transocean differed yet again on why the Deepwater Horizon's blowout preventer was not originally outfitted — or later converted — to have two blind shear rams.

Transocean said that BP, as the rig's operator, would have determined the blowout preventer's configuration. "Operators select B.O.P. stack configurations based on their anticipated operating environments, including water depths, seismic data, anticipated well conditions and the like."

BP, however, said it was a collaborative decision driven by "contractor preference and operator requirements." The company emphasized that blowout preventer reliability did not simply boil down to the number of blind shear rams. "These choices are risk assessed to provide the overall stack and system reliability to perform in a wide variety of situations."

In 2001, just as BP and Transocean were pressing the Deepwater Horizon into service, the Minerals Management Service was being warned against allowing deepwater rigs to operate with only one blind shear ram. The agency had commissioned a study that documented more than 100 failures during testing of blowout preventers.

"All subsea B.O.P. stacks used for deepwater drilling should be equipped with two blind shear rams," said the report, written by the SINTEF Group, a Scandinavian research organization that advises the oil industry and maintains detailed records on blowouts around the world.

The agency made no such requirement. Indeed, it waited until 2003 to require even one blind shear ram. By then, the industry had already started moving to two blind shear rams — although industry and government records show that roughly two-thirds of the rigs in the gulf today still have only one.

The benefit of two shear rams was examined last year in a report to Transocean. It estimated that while a blowout preventer with a single blind shear ram was 99 percent reliable, having two shear rams increased that reliability to 99.32 percent. Still, the study said, blowout preventers remain vulnerable to the same “single-point failures.”

In 2003, BP and Transocean experienced firsthand the benefits of redundant blind shear rams. On May 21 at 4 a.m., the Transocean rig Discoverer Enterprise, working on a deepwater BP well, was violently jolted. The steel riser that connected the rig to the well had cracked apart in two places. A BP executive would later write that if there had been a blowout, more oil would have spilled in a week “than occurred during the whole of the Exxon’s Valdez oil spill.”

One of the blowout preventer’s blind shear rams was triggered shortly after the jolt and worked as expected. But when a robotic submersible was sent down, it found the blowout preventer damaged. Workers then activated the second blind shear ram, giving an extra layer of safety.

On the other hand, BP and Transocean officials could have drawn reassurance from another close call that year, this one involving the Deepwater Horizon itself. On June 30, 2003, while drilling a 25,000-foot-deep well in the gulf, high winds and strong currents pushed the rig away from the well hole. The crew was forced to perform an emergency disconnect from the blowout preventer, which triggered the blind shear ram.

It worked perfectly. Whether it would have worked as perfectly in an actual blowout, or with a different type of drill pipe, was another matter. The following year, BP opted to remove a layer of redundancy from the blowout preventer. It asked Transocean to replace one of the blowout preventer’s secondary rams with a “test ram” — a device that would save BP money by reducing the time it took to conduct certain well tests. In a joint letter, BP and Transocean executives confirmed that BP was aware that the change “will reduce the built-in redundancy” and raise Transocean’s “risk profile.”

The Deepwater Horizon was scheduled for a series of extensive maintenance checks later this year. The last time it was checked so thoroughly, records indicate, was in 2005, when significant problems with the blowout preventer were uncovered. The control panels on the rig that operate the blowout preventer acted strangely, giving unusual pressure readings and flashing unexplained alarm signals. A critical piece of equipment, the “hot line” that connects



the rig to the blowout preventer, was “leaking badly,” Transocean maintenance documents said.

As part of its assessment of the blowout preventer, Transocean hired West Engineering, which had a checklist of more than 250 components and systems to examine. It did not perform 72 of them, mostly for a simple reason: at the time, the Deepwater Horizon was operating in the Gulf of Mexico, and the blowout preventer was on the seafloor and therefore inaccessible.

According to a West Engineering document, one of those 72 items was verifying that the blowout preventer could shear drill pipe and seal off wells in deepwater. This checkup appears to be the last time an independent expert was asked to perform a comprehensive examination of the Deepwater Horizon’s blowout preventer.

The rig’s blowout preventer did get lots of attention from Transocean’s maintenance workers. In January, as the Deepwater Horizon sailed toward the Macondo well site, technicians spent 145 hours repairing and checking the blowout preventer, records show. And the maintenance continued, almost daily, as the drilling began.

### **A Rich, Difficult Well**

The Macondo project yielded a rich prize: one of the largest finds in the Gulf of Mexico. But the crew repeatedly struggled to maintain control of the well against powerful “kicks” of surging gas. They contended with stuck drilling pipes and broken tools. The job fell weeks behind schedule, costing BP millions of dollars in rig rental fees. In e-mail messages, BP engineers vented their frustrations, calling it a “crazy well” and a “nightmare well.”

Yet in April, as BP prepared to seal the well for later production, the company took what numerous industry experts and fellow oil executives say were highly questionable shortcuts. These included using a well design that presented few barriers to high-pressure gas rising up; skipping a crucial \$128,000 test of the quality of the cementing; and failing to install capping devices at the top of the well that could also have kept gas from lifting a critical seal.

Representative [Henry A. Waxman](#), chairman of the House Energy and Commerce Committee, asserted last week that the common thread behind all of these decisions was that they saved BP time and money but raised the risk of catastrophe. “BP has cut corner after corner to save \$1 million here, a few hours or days there, and now the whole Gulf Coast is paying the price,” Mr.

Waxman said.

However, as [Tony Hayward](#), BP's chief executive, repeatedly told Mr. Waxman's committee last Thursday, many of these decisions were approved by the Minerals Management Service.

But if federal regulators did not see any problems, some crew members on the Deepwater Horizon appeared to believe that BP's decisions were, increasing the odds of a catastrophic blowout that only the rig's blind shear ram could stop. In testimony in the Coast Guard inquiry, Douglas Brown, the rig's chief mechanic, recalled an argument hours before the explosion between a BP official and Jimmy Harrell, a senior Transocean manager.

Mr. Brown recalled Mr. Harrell walking away, grumbling, "Well, I guess that's what we have those pinchers for."

### **Moment of Crisis**

Minutes after the blast at 10:20 p.m. on April 20, Chris Pleasant headed for the bridge. As a subsea engineer who operated the blowout preventer, his first thought was to activate "the pinchers" with the ship's emergency disconnect system. The system is supposed to trigger the blind shear ram and then free the rig by disconnecting the riser.

Mr. Pleasant immediately noticed that something was amiss. An alarm on the control panel indicated that "the pressure had dropped" in the blowout preventer's hydraulics, he testified at the Coast Guard hearing. Without hydraulic pressure, the blowout preventer, and especially its blind shear ram, would be useless.

"I'm E.D.S.-ing," he told the rig's captain, referring to the emergency system.

The captain told him to hold off and calm down, he recalled. But Mr. Pleasant said he disconnected the system anyway. At first, he said, all seemed well. A control light switched from green to red, indicating that the blind shear ram had been activated.

But then he checked the panel's flow meters, which measure whether hydraulic fluid is actually flowing under pressure to the blowout preventer. The meters showed no flow, he said. At that moment, he realized the ship and crew were in terrible danger.

“I knew it was time to leave.”

Yet even as emergency rescue operations began under the crippled Deepwater Horizon, the scramble was on to activate the blind shear ram in some other way. The chaos and confusion of those efforts emerge from testimony and documents, including the handwritten crisis team notes.

It was a race against time. The destructive force of oil, drilling mud and well debris blowing through the guts of the blowout preventer was sure to rapidly erode the shear ram’s blades and chew away its seals, leaving it useless.

Some people thought they had days at most. One study considered it “highly unlikely” the blades and seals could withstand a blowout for even five minutes.

It would be 27 hours after Mr. Pleasant abandoned ship before engineers could make their next effort to trigger the blind shear ram, according to BP documents.

Within the first few days, engineers had already begun to wonder whether a leak of hydraulic fluid had crippled the ram. “May have had leak & have lost pressure,” one entry reads. Using a robotic submersible equipped with a hydraulic pump, they injected seawater into the blind shear ram, hoping to drive its pistons and blades closed. But the pump did not have nearly the needed strength; it could not pump water fast enough to budge the blades.

Industry studies had highlighted the problem of submersibles without sufficient strength years earlier. Now, as BP and Transocean officials searched the globe for more powerful ones, engineers plotted out a plan essentially to trick the blind shear ram into closing.

When the rig’s control panels fail, two separate backup systems, the deadman and the autoshear, are supposed to close the blind shear ram automatically. The deadman is designed to close the shear ram if the electronic and hydraulic lines connecting the rig to the blowout preventer are severed.

An underwater robot cut several lines at 2:45 a.m. on April 22.

Nothing happened.

The situation was rapidly deteriorating. “2 explosions around 3:30-4:00 this morning & rig listing at about 35 degrees,” a crisis manager wrote. “High risk of sinking.”

The autoshear is designed to trigger the blind shear ram if a rig drifts out of position and yanks its riser loose from the blowout preventer.

At 7:30 a.m., a submersible cut a firing pin on the blowout preventer, simulating the rig’s pulling free. This time, the blowout preventer shuddered, as if struggling to come back to life. “L.M.R.P. rocked & settled,” one note says, referring to the top half of the blowout preventer. But after a few moments, as oil continued to flow, it became clear that this, too, had failed.

Soon after, the Deepwater Horizon sank.

### **Stunning Discovery**

The deadman, the autoshear and the underwater robots constitute the critical backup systems that have given regulators and oil industry officials great confidence that no matter what, they could always find a way to activate their last line of defense.

This was more an act of faith than a fully tested proposition.

The Minerals Management Service had never required any of these backup systems to be tested despite a report it commissioned in 2003 that said these systems “should probably receive the same attention to verify functionality” as the rest of the blowout preventer. The agency had also declined to take the modest step of requiring rigs to have these backup systems in place at all, though it had sent out a safety alert encouraging their use.

At a BP complex in Houston after the Deepwater Horizon’s sinking, in a room called the hive with video screens displaying feeds from as many as a dozen underwater robots, engineers considered their options. BP officials theorized — perhaps based on the lower estimates of leakage in those first days — that the blind shear ram might have crimped, but not quite severed, the pipe.

The idea provided a comforting mental picture. Just a few more inches with the blind shear ram, the reasoning went, and perhaps it would snap shut and stanch the spewing oil.

So six days after the explosion, they began the fifth effort to close the blind shear ram. This time they sent down tanks of pressurized hydraulic fluid that a submersible could inject directly into the ram.

Shockingly, the blind shear ram's hydraulic system leaked, meaning pressure could not be maintained on its shearing blades.

This leak shocked engineers because the blowout preventer's hydraulic system was obsessively checked for leaks. "We see tests fail because the hydraulics leaked two drops," said Benton Baugh, a leading authority on blowout preventers. Indeed, the blind shear ram had been tested for leaks only hours before the blowout, and according to Transocean, no hydraulic leaks had been detected in the weeks before the blowout.

The underwater robots tried to find and fix the leak, but by now, leaks were springing up on nearly every component of the blowout preventer.

"Retighten leak," reads a note from 4 a.m. on April 26. At 4:45: "Retest & leak still present." Fifteen minutes later: "Retighten loose connection."

Some of those leaks appeared to be coming from shuttle valves leading to the blind shear ram — possibly the "single-point failure" that had been identified as the blowout preventer's biggest vulnerability back in 2001. Or the leaks could have come from shuttle valves that let hydraulic fluid from the robots reach the blind shear ram.

The leaks pointed to a gaping hole in the government's mandated leak tests. Those tests do not require rig operators to look for leaks in the connection points used by submersibles to activate a blowout preventer in an emergency.

Finally, seven long days after the explosion, operators of the underwater robots managed to repair the leak on the blind shear ram and apply 5,000 pounds per square inch of hydraulic pressure on its blades. This was nearly double the pressure it typically takes to shear pipe.

A BP report tersely described the results: "No indication of movement."

But engineers could not be absolutely sure. Without any way to see into the blowout preventer,

engineers had essentially been operating blind, using the rate of oil flow, for example, to deduce the conditions inside.

Help came from Scott Watson, an expert in gamma ray imaging at [Los Alamos National Laboratory](#). Gamma rays, a form of electromagnetic radiation similar to X-rays but higher in energy, might at least penetrate a few inches into the blowout preventer's thick steel walls. Then engineers might be able to see a device called a wedge lock, which slides into place behind the shear ram to hold it closed.

In mid-May, Mr. Watson ventured to the well site, where robotic submersibles were sent down to the seafloor with cobalt 60, a radioactive isotope that generates gamma rays. The team from Los Alamos was able to get a clear view of only one half of the blind shear ram. But the images showed one wedge lock fully engaged, meaning at least one half of the shear ram had deployed.

"I don't think anybody who saw the pictures thought it was ambiguous," Mr. Watson said.

It was a crushing moment.

Engineers realized that all their efforts to revive the blowout preventer had probably never budged the critical component at the machine's core, the blind shear ram. They had assumed that at some point early on, the blades had tried to close. They had hoped to close them all the way. But now, the gamma ray images showed that at least one blade was fully deployed, and they had run out of options for forcing the other one closed. Continuing to push on the ram's pistons with more hydraulic fluid would achieve nothing.

The last line of defense was a useless carcass of steel.

### **False Sense of Security**

Barely three weeks before the Deepwater Horizon disaster, [President Obama](#) announced that he planned to open vast new tracts of ocean for oil exploration, including environmentally sensitive areas that for decades had been declared off limits by presidents from both parties.

Environmental groups were bitterly disappointed, but Mr. Obama said he had arrived at his decision after more than a year of study by his administration, including a careful weighing of

environmental risks. Yet the administration's examination did not question the oil industry's confident assertions about its drilling technology. The well-known weaknesses of blowout preventers and blind shear rams simply did not make it onto the administration's radar, interviews and documents show.

Mr. Hayes, the deputy interior secretary, said senior officials were reassured, perhaps wrongly, by "the [NASA](#) kind of fervor" over the oil industry's seemingly "terrific technology." They took comfort in what appeared to be a comprehensive regime of regulations. Most of all, he said, they were impressed by the rarity of significant oil spills even as more of the nation's domestic oil supply was being drawn from ultradeep wells.

"The track record was good," he said. "The results were significant."

Not even environmental groups bitterly opposed to expanding offshore drilling were raising concerns about the industry's technology for preventing deepwater spills, he added. "We were not being drawn by anybody to a potential issue with deepwater drilling or blowout preventers."

As for the Minerals Management Service's own studies on the vulnerabilities and failings of blowout preventers, Mr. Hayes faulted the agency for not bringing them to the administration's attention. Long before Mr. Obama's announcement, Mr. Hayes said, Interior Secretary [Ken Salazar](#) had asked the agency for a report describing the potential risks and benefits of expanding offshore drilling.

The report, 219 pages long, made no mention of blind shear rams. It barely mentioned blowout preventers. It did, however, assure Mr. Salazar that safety and engineering requirements were "extensive" and that blowouts were "very rare."

"We did not have red flags about a problem with the enforcement culture at M.M.S.," Mr. Hayes said. "We certainly have that now."

After the Deepwater Horizon blowout, Mr. Obama declared a moratorium on offshore drilling and ordered Mr. Salazar to look for ways to improve safety. Within weeks, Mr. Salazar came back with a long list of changes, most of them clearly responsive to weaknesses that industry and government studies had identified years before.

Mr. Salazar recommended, for example, that all blowout preventers be equipped with two blind shear rams — a step suggested to the Minerals Management Service in 2001. He recommended new rules to make sure rigs were equipped with the right kind of underwater robots and had emergency backup systems to activate blowout preventers — a step suggested to the Minerals Management Service in 2003.

He also urged a break from the agency's tradition of taking the drilling industry's word. From now on, he said, government inspectors should witness actual testing on blowout preventers. Rig operators, he said, should have to pay an independent expert to verify that their blowout preventers were properly designed and had not been compromised by modifications.

But Mr. Salazar stopped short of what Mr. Hayward, the BP chief executive, said was called for in the aftermath of the Deepwater Horizon disaster. "We need a fundamental redesign of the blowout preventer," Mr. Hayward testified last Thursday.

Still, J. Ford Brett, a drilling expert who contributed to Mr. Salazar's list of suggestions, cautioned that blowout preventers, whatever their design, "will not save you in every situation."

Mr. Salazar has yet to offer ideas for what to do if another blowout preventer fails thousands of feet beneath the sea. In the absence of a Plan B, he ordered his department to come up with new "deepwater well control procedures" in the next four months.

Already, though, pressure is building on the administration to let offshore drilling operations resume. Last month, Mr. Obama lifted the moratorium on drilling in shallow waters. But along the Gulf Coast, where drilling operations are responsible for an estimated 150,000 jobs, politicians are clamoring for an end to the deepwater moratorium, too.

In Senate testimony on June 9, Mr. Salazar made clear that Mr. Obama had no intention of pulling back permanently from deepwater drilling off the United States coast.

"It was the president's directive that we press the pause button," Mr. Salazar said. "It's important for all of you on this committee to know that word — it's the pause button. It's not the stop button."

*Michael Moss and Henry Fountain contributing reporting.*





ThinkMarkets

# Gulf oil spill: Mr. President, the problem isn't just MMS

The Gulf oil spill has focused attention on the Minerals Management Service (MMS). But President Obama's disregard of the environment is more important.



In this May 28, 2010 file photo, President Obama picks up a 'tar ball' during a tour of areas affected by the Gulf oil spill in Port Fourchon, La. He blames the MMS. But until the disaster, the Obama administration had also been pushing for more deep-water drilling and the environment was an afterthought.

(Evan Vucci/AP/File)

By ThinkMarkets

posted June 20, 2010 at 2:35 pm EDT

In the Obama administration's script for passing around oil-spill blame, the drilling regulator Minerals Management Service shares the stage with chief villain BP. The disaster is said to have exposed the weakness of MMS, a problem the president has now tackled by appointing a new head for the agency.

One can understand why Mr. Obama wants to confine government failure to this little bureaucracy – long reported to be corrupt – inside the Interior Department. It is a slick move, but the hypocrisy is breathtaking and corrosive of what confidence there is in the government.

Just weeks before the Deepwater Horizon rig imploded, the entire administration and Congressional Democrats demonstrated casual disregard for the environment. In effect, they provided evidence that wheeling and dealing for the proposed climate change law creates risk of additional damage to the planet.

This March Mr. Obama proposed to open to oil and gas drilling some 167 million acres of ocean along the East Coast. Whether this decision was right or wrong – to be sure there are pros and cons – what was striking was that the environmental effects were not even given serious thought. The decision was in the main a political move to get Republicans to agree to the administration's climate and energy bill.

Here is what the president said, about two-and-a-half weeks before oil started to spill into the Gulf of Mexico: "It turns out, by the way, that oil rigs today generally don't cause spills. They are technologically very advanced." This would be comical were the issue not dead serious. A 12-year-old with an internet connection could have found examples of oil rig leaks.

Let's see. A major policy change is underway. A cabinet-level decision with immense potential consequences. On a controversial matter. There's plenty of time to investigate the environmental effects—this is not a new issue, Mr. Obama talked about it during the campaign and early in his presidency. The drilling rule is a compromise to pass a huge regulatory overhaul ostensibly to protect the atmosphere. Yet the environmental impact of the policy appears as an afterthought, barely given consideration.

Clearly the object is to notch another massive regulatory expansion after the medical and financial behemoths. Climate change is the excuse—but in the attempt to do a political deal, the environment was obviously not a priority. With oil gushing from the broken rig, it became expedient to tout the climate bill as a solution.

Likely we will pay for greater environmental regulation and end up with greater environmental degradation! But hey, a bunch of government bureaucrats somewhere will get sex, drugs, gifts and consultancy jobs out of their new regulatory powers—that's what some MMS employees were doing, according to investigators.

That agency's problems apparently never even came up in discussions about opening more of the Eastern seaboard to drilling. The concern expressed by House Speaker Nancy Pelosi was that MMS laxness reduced tax receipts from oil companies—not what it might do to beaches and pelicans.

These people are not stewards of the environment, their shrill protests notwithstanding. The only thing their climate bill can be is another boondoggle.

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June 20, 2010

## For the Crew of a Drill Ship, a Routine Task, a Far-From-Routine Goal

By **HENRY FOUNTAIN**

ABOARD DEVELOPMENT DRILLER II, off Louisiana — The first thing that greets visitors to the Development Driller II is a large official sign that bears the name pencil pushers have given the well being drilled by this mammoth floating rig: OCS-G 32306.

But the rig's tool pushers and other workers — and, by now, the rest of the world — know that this is not just another deepwater [oil](#) well in the Gulf of Mexico. It is one of two relief wells meant to put an end, once and for all, to the undersea gusher that has been spewing oil into the gulf for two months.

Working 12-hour shifts for 21 days at a stretch in the thick gulf air 40 miles offshore, the crew may have gotten into its familiar drilling routine, but conversations with family and friends back home constantly reinforce the importance of the work.

"They know that it is us, that we need to stop it," said Mickey Frugé, the senior representative on board for BP, the oil company responsible for the leak and for this well, being drilled at a cost of about \$100 million. "People are asking us questions. All we want to do is get the oil stopped."

So far the DD II, as everyone refers to the rig, is about halfway there, in terms of depth, having drilled 10,000 feet below the surface of the gulf since the operation began May 16.

In one of the first visits by journalists to the scene of the disaster, a small group of reporters watched Saturday as, a few feet away, a team of roughnecks and others prepared a tool that

would be used to lower several thousand feet of steel casing to the bottom of the hole, where it would form part of the well's permanent lining.

It was hard work on the slick steel of the drilling floor below the rig's 220-foot-high derrick, surrounded by soaring lengths of drill pipe stacked vertically like drinking straws on a lunch counter. Pipe and tools were maneuvered into position by heavy-duty lifting equipment, operated from inside a small cabin on one side of the floor. Inside the air-conditioned cabin, working joysticks and seated in an overstuffed chair, the operator was the only one of the crew who could possibly be comfortable.

And amid the finest drilling equipment that a half-million-dollar-a-day rig can buy, the workers resorted to wrapping the tool in duct tape and rags to protect it until it was lowered into the well.

The other relief well, being drilled by the Development Driller III nearby, got started earlier and, at 15,900 feet, is closer to the target area of the damaged well, 18,000 feet down. Once one or both relief wells reach the target — perhaps by late July, Mr. Frugé said, barring storms, major mechanical failures or other problems — heavy drilling mud will be pumped into the damaged well, followed by cement, to plug it permanently. Drilling experts both inside and outside BP insist the approach will work.

None of the 172 workers on board the DD II need to be reminded of that leaking well and the blowout on April 20 that caused it — as well as the destruction of the Deepwater Horizon rig. Nine of the 11 workers killed that day worked for Transocean, the company that owned the Horizon and owns the two relief well rigs.

“Some of the guys on board here did know some of the guys that were on it,” said Wendell Guidry, drilling superintendent of the DD II.

But reminders are ever-present anyway, just half a mile away through the haze. There, at the spot where the Deepwater Horizon once sat, a production ship collects oil from a cap on the damaged well 5,000 feet below, flaring the accompanying natural gas like a fire-breathing monster.

Just beyond that sits another vessel that, since last week, has been burning both oil and gas

from the well through a device that creates a rosette of flame so large and hot that workboats constantly douse the equipment with plumes of water. And off in the distance, black smoke rose from two controlled burns of oil on the surface.

There are so many vessels in the area — Mr. Frugé said he counted 66 one day recently, including oil skimmers, supply boats and support ships for the robotic submersibles working at the seabed — that coordinating their movements is a major concern. It is a far cry from the DD II's previous task, drilling wells in BP's Atlantis oil field about 150 miles away, where at most there might be one or two vessels nearby.

From a drilling standpoint, Mr. Frugé said, there was little difference between this well and a normal one. And the pace of drilling is the same, said Eric Jackson, who as a tour pusher — a kind of deputy tool pusher, or drilling manager — was leading the crew working on the casing tool.

"It's business as usual," said Mr. Jackson, wearing, like everyone, a hard hat and clad, like nearly everyone, in magenta Transocean coveralls. With preshift meetings and other work-related activities, he said, "sometimes you have 13 to 14 hours a day invested in what you're doing."

Once the well gets near completion — it is currently being drilled vertically, but soon will be redirected at an angle toward the runaway well — special instruments will be used to make sure it hits its target.

Mr. Frugé said the operation relied on specialists with expertise in what is called "measurement while drilling," as well as on what he referred to as "rock doctors," geologists who have studied the underground formations of stone and sand, to know where the drill bit was at all times and where it had to go.

The work continues round the clock, and setbacks do occur. In the early hours of Saturday a 5,500-pound hydraulic "tong," a tool used to hold lengths of pipe as they are screwed together, broke. It took three hours to get it repaired, said Elton Jack, a contractor working on the casing.

Once the 18-inch string of casing is run down to the bottom of the well — one of successively narrower strings — cement will be pumped down to fix it in place, and then the next section of

the well can be drilled. Mr. Frugé estimated that drilling would begin again in about two days.

Mr. Guidry said that although there was another well doing the same task just a few thousand feet away, there was little sense of competition between the two rigs.

“Whichever one gets there first,” he said. “The main thing is we try to keep the guys focused.”

Like the Deepwater Horizon and all other drilling rigs, the DD II has its own blowout preventer, an enormous stack of safety valves designed to keep the well under control. The device was lowered to the seabed through the rig’s “moon pool” — an opening in the deck below the drilling floor — early in the drilling process.

Given the disaster that occurred just a half mile away when the Deepwater Horizon’s preventer failed, Mr. Guidry, who has 27 years of experience and has worked on the DD II since 2005, said that avoiding a blowout with the relief well was even more of a concern than usual.

“Always on our mind,” he said.



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June 20, 2010

# In Cleanup, It's Local Help Wanted, Workers Find

By **ROBBIE BROWN**

Hundreds of workers hired by BP subcontractors to help with the cleanup of the [oil spill](#) in the Gulf of Mexico are complaining that they traveled long distances to assist in the effort — only to be told that their jobs had been given to local residents.

Workers from California, Mississippi and Texas say they signed contracts with the subcontractors under a belief that they would be spending weeks or months laying protective boom and scrubbing oil off the gulf shores.

But after less than a week of work, they say, the subcontractors informed them that BP and state officials preferred that their jobs be performed by coastal residents. Their contracts did not guarantee a certain length of employment, so the workers have been left fuming, with little legal recourse.

“Cleaning the oil properly has become secondary to employing people from the right state,” said Glenn Welstad, the chief executive of Command Center, a staffing company that recruited and trained workers from as far away as California. “If they wanted to charge full steam ahead with the cleanup, they would let the most experienced workers have the jobs.”

As many as 25,000 workers have been hired by more than 100 subcontractors to perform tasks like removing tar balls, skimming oil off the water’s surface and laying stretches of inflatable boom, BP said.

The company said its subcontractors do give priority to Gulf Coast residents, many of whom were put out of business by the spill. But the company said it wanted to avoid inconveniencing out-of-state workers.

In the first weeks after the spill, subcontractors scrambled to hire workers with proper training and experience, said Marti Powers, a BP spokeswoman. “As we’ve been able to find locals with

the same skill set, we've made a shift to local workers," she said.

In Florida, 86 percent of cleanup workers are now Floridians; in Alabama, 82 percent are from that state; and in Mississippi, 83 percent of the cleanup work force are residents. Those figures have nearly doubled in the last month, BP records show.

Governors of the four affected states — Louisiana, Mississippi, Alabama and Florida — have made it clear in public speeches and private meetings with BP officials that they want residents hired first.

"You hate to take away anyone's livelihood," said Dan Turner, a spokesman for Gov. [Haley Barbour](#) of Mississippi. "But the locals here have already had their livelihood taken away, through no fault of their own."

Subcontractors say they must follow the desires of BP and the governors if they hope to keep their contracts.

"If you're in Florida, they want Florida residents. If you're in Alabama, they want Alabama residents. If you're in Mississippi, they want Mississippi residents," said George Hutchinson, who runs a staffing company, Cabildo, in New Orleans. "You have to give them what they want."

But many out-of-state workers say they have been misled by BP's subcontractors. They say they were told to expect steady, well-paid work, but then were replaced by locals almost immediately.

Last Monday, a crew of 202 workers from Mississippi traveled by bus to Pensacola, Fla. They had undergone 40 hours of hazardous materials training. But by Wednesday, they were told by a subcontractor, Cliff Berry Inc., that the State of Florida wanted to replace them with Floridians.

"That was the mandate: Florida workers," said Larry Doyle, the executive vice president of Cliff Berry, who apologized to the Mississippi crew but said a subcontractor employing Cliff Berry insisted on hiring locally.

"It was crazy," said Steven Gilbert, 49, a seafood truck driver from Pass Christian, Miss. He pointed out that he belonged to the exact demographic that BP has vowed to help: gulf residents put out of work by the spill.

"They took hundreds of people who were ready to work and sent them home, just because they're from another state," Mr. Gilbert said.



Tishonya A. Hamilton, 39, had a similar experience. She rode from Houston to Mobile, Ala., last month with the belief that she would work for six months for a subcontractor, One Stop Safety and Rental. But after three days, she and 100 other workers were sent home and replaced with Alabama residents.

"We thought we were going down there to make good money and help clean up the beaches," said Ms. Hamilton, an unemployed construction worker. "We were lied to." One Stop Safety and Rental did not respond to requests for comment but told the local news media that the governors of Alabama and Mississippi had insisted that the jobs go to local workers.

Legal experts say states are allowed to give preference to residents, as long as it is not on a basis of race, gender or religion.

"If they're limiting the workers to those who were affected by the spill, that's a good thing," said Joel Friedman, a labor law expert at Tulane Law School in New Orleans. "It's a political issue, but it's not a legal one."

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June 20, 2010

# Monitoring the Manatee for Oil Ills

By **JOHN LELAND**

APALACHICOLA, Fla. — To the people who know her best, Bama is a skittish creature: smart, a good traveler, does not mix much with her peers. On a recent afternoon, Allen Aven watched her from an anchored pontoon boat, counting the time between her breaths.

“This is a good environment for her,” Mr. Aven said, looking around the busy, narrow waterway of Scipio Creek, across from the Up the Creek Raw Bar. “It’s sheltered from wave action. There’s lots of vegetation, and it’s relatively fresh water.”

A large gray snout belonging to Bama, a manatee, broke the water’s surface.

“Breath,” Mr. Aven yelled.

Mr. Aven is part of a team of researchers from the [Dauphin Island Sea Lab](#) in Alabama who are monitoring Bama and other manatees — massive aquatic mammals that are on the list of endangered species — for signs that they are being affected by the [oil spill](#) in the Gulf of Mexico. Mr. Aven and Nicole Taylor gathered water samples and recorded that Bama appeared to be eating regularly — she weighs in at around 1,200 pounds — and was not discolored, a sign of infection.

Until recently, biologists believed that manatees rarely ventured west of peninsular Florida, where, so far, no oil has appeared. But in 2007, Ruth Carmichael, who leads the Dauphin Island team, began documenting a relatively large summer migration of manatees to Mobile Bay, Ala. — leading them directly into and through the path of the oil from the Deepwater Horizon leak. From a couple of dozen to as many as 100 come to Mobile Bay for the summer, out of a total North American population of 5,000, she said.

As oil spreads into the bay, these travelers are now in danger of having their migratory routes and habitats contaminated, putting at risk a group that Dr. Carmichael believes may represent the scouts for the larger population.

“They’re not here accidentally,” Dr. Carmichael said. “Maybe they’re coming because of habitat loss in Florida. So even though they’re a small part of the overall manatee population, a loss of even one or two animals represents a large percentage of those in this group.”

Using VHF radio transmitters and aerial surveillance, the researchers monitor the manatees’ positions and the progress of the oil contamination, looking for signs of unusual behavior. But even if the manatees avoid oil in the bay, by the time they are ready to return to Florida in winter, their route back may contain deadly concentrations of oil and dispersants.

Because they raise their snouts to breathe, any surface chemicals or fumes would affect them directly. “These animals don’t know to avoid it,” Dr. Carmichael said.

The manatees’ size makes rescues extraordinarily difficult, involving Sea World, the federal [Fish and Wildlife Service](#), the federal Geological Survey and the Dauphin Island Sea Lab. Rescuers have to lift the animals by hand onto specially equipped boats, then transfer them by truck to a rehabilitation center in Tampa, Fla.

Jim Helland, a Mobile, Ala., businessman, has been trying to raise money for rescues. “We can’t save all the wildlife,” he said. “But maybe we can save these few.” But at most they could rescue a handful in a season, and even these might swim back into the oil when released, Dr. Carmichael said.

“So much is unknown,” she said. Manatees eat 10 percent of their body weight in sea vegetation per day. If oil clings to the sea grass, the animals could eat it, get the oil on their bodies and pass it to others by contact. After a 1983 oil spill in the Persian Gulf, between 38 and 60 dugongs, a species that is similar to manatees, died from exposure.

For Bama, that exposure is yet to come. She left her winter home near a nuclear power plant in Crystal River, Fla., just before the spill, and researchers expected her to head for Mobile Bay, as she did last year. But after quickly reaching Apalachicola, nearly 200 miles east, she has stopped. She may sense trouble in the waters ahead, Dr. Carmichael said.

As Mr. Aven recorded Bama's movements, a mullet jumped in the placid water behind her. The manatees, it seems, and the researchers, like the rest of this coast, are still waiting to see where and in what quantities the oil is going to wash in. "We've been bracing ourselves for this for eight weeks," Mr. Aven said. "I wake up every morning and say, 'Is this going to be the day?'"

**The New York Times**  
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June 19, 2010

# G.O.P. Stalwart Says Come, the Gulf's Fine

By **MARK LEIBOVICH**

GULFPORT, Miss. — “Get a picture of that beach!” Gov. [Haley Barbour](#) ordered a group of television photographers standing along an [oil](#)-less stretch of sand Monday.

“They are gorgeous, pristine,” the governor gushed on Tuesday about Mississippi’s shores.

“Beautiful,” he reiterated Wednesday at a [La-Z-Boy](#) plant in Newton. “The coast is clear, and come on down.”

He is a former lobbyist, [Republican National Committee](#) chairman, White House political director and a familiar enough piece of the national political furniture to be known simply as “Haley” within certain Washington circles.

Now, for the second time in five years, Mr. Barbour finds himself in a highly visible role during a Gulf Coast catastrophe. As he nears the end of his eight-year stint as governor, Mr. Barbour’s performance could help shift his political image from that of an insider party boss to an out-front crisis manager — and possible presidential candidate in 2012.

Mr. Barbour, 62, is proof that if you hang around long enough, even a good old boy lobbyist and political party animal can come back into fashion — or at least be recast by circumstance. A self-described “fat redneck,” he speaks in a marble-mouthed Mississippi drawl, loves Maker’s Mark bourbon, resembles an adult version of Spanky from the Little Rascals and fits no one’s ideal of a sleek new political model: squat, big-bellied and pink-jowled, he looks as if he should have a cigar in his mouth at all times (and occasionally does).

Mr. Barbour, one of the few politicians whose standing was enhanced by his response to [Hurricane Katrina](#), has eagerly taken on the post of de facto director of tourism for the Gulf Coast, a task only slightly less daunting or thankless than heading a public relations campaign for [BP](#). He has complained bitterly about what he calls the news media's exaggerations and distortions about the spill.

"I've heard reports that this would be a threat to Europe," he railed to The Sun-Herald newspaper. "That's about the same as saying I'm going to grow wings and take flight."

Unlike his counterpart in Louisiana, [Bobby Jindal](#), Mr. Barbour has mostly been spared the day-to-day incursion of oil along his state's shores. That has allowed him to promote his bona fides on popular Republican causes (he remains enthusiastic about [offshore drilling](#), an important source of jobs in his state) and bogeymen (White House-backed "[cap and trade](#)" energy policies).

Mr. Barbour has been generally muted in his criticism of BP and was among the first Republicans to object to the Obama administration's insistence on a \$20 billion BP escrow account to settle damage claims. He has also warned against efforts by the left to turn the spill into a regulatory cause célèbre.

"A bunch of liberal elites were hoping this would be the Three Mile Island of offshore drilling," Mr. Barbour recently told the [Mississippi Manufacturers Association](#).

His upbeat attitude about the spill reflects the happy-go-Haley persona that he adopted from his political idol and former boss, [Ronald Reagan](#). But his views have drawn criticism from local Democrats, assorted bloggers and late-night comedians, even inspiring ridicule in a Web video juxtaposing his beach-promoting statements with those of the mayor in the movie "Jaws," who urged tourists to enjoy shark-infested waters.

"I appreciate him promoting tourism," said Diane Peranich, a Democratic state representative from the coast, "but not to the detriment of reality."

Mr. Barbour exudes a throwback vibe harking to a time when politicians were unafraid to call themselves "politicians" and could actually admit to being well-connected insiders who know people in Washington, tell the occasional dirty joke and sip a cocktail or three after hours.

"Haley is on a neck-hugging basis with more people in politics than you will ever see," said Martin Wiseman, the director of the [John C. Stennis Institute of Government at Mississippi State University](#).

Recently dubbed "the anti-Obama" by [Newsweek](#), Mr. Barbour has attributes that could prove to be a counterintuitive asset for him if he decides to seek the Republican presidential nomination in 2012. "If you think ahead to 2012, we are not going to beat the president with someone who has the same M.O. as the president," said Nick Ayers, the executive director of the Republican Governors Association, of which Mr. Barbour is chairman.

Indeed, watching Mr. Barbour last week with Mr. Obama — the two were shown eating lemon-lime snow cones on a Gulfport beach — offered a tableau of contrasts.

At the Gulfport-Biloxi airport, Mr. Barbour stood at the foot of the [Air Force One](#) staircase and received the president, who slapped the much-shorter governor's wide back as they strolled across the tarmac. Wearing dark sunglasses and a pale blue polo shirt, the former super-lobbyist barreled along behind Mr. Obama (who has often derided lobbyists).

Mr. Obama waded into a small crowd, reaching deep across the rope line, while Mr. Barbour headed in another direction, swinging his tree-trunk arms and giving dainty little waves to children behind the barrier.

Later, after the president departed, Mr. Barbour complained to a small group of reporters about all those pictures of oil-blackened pelicans that seem to accompany every national media story about the spill.

"The way the news media, particularly television, covers it, you'd think the entire Gulf South was ankle-deep in oil," Mr. Barbour said. (He declined a one-on-one interview with The New York Times for this article, though he did order a Times videographer at the airport back to the beach to take more pictures.)

Even the oil that gets close to Mississippi is not so bad, Mr. Barbour was insisting Wednesday outside the La-Z-Boy plant. Louisiana, he said, is much closer than Mississippi to the blown-out well, and it has been getting "real recognizable oil," deep brown and black goopy crude.

Not Mississippi. "By the time it gets up here, it's been out in the gulf for so long that mostly, it

doesn't look like oil," he said. "It's very mixed with water. A lot of it is orange or caramel in color."

With some exceptions, Mr. Barbour has been relatively restrained in his criticism of the Obama administration. He behaved similarly after Hurricane Katrina, in which he largely shied away from criticizing the Bush administration for its response and promoted a message of, as he says, "hitching up your britches" and not complaining.

"As someone who went through Katrina, I know that everything doesn't always work like you want it to," Mr. Barbour said Tuesday on a Jackson radio program hosted by the Mississippi political analyst Sid Salter. "You kind of make it up as you go along."

He added that the Obama administration, in its response, has "done more right than wrong."

Mr. Barbour, who is prohibited by Mississippi's term-limit laws from seeking re-election, has spoken to friends, donors and a roster of Republican operatives about a possible presidential run in 2012. He has spoken at conservative gatherings and "party building" events and traveled to dozens of states, including Iowa, the site of the first presidential caucus, as chairman of the Republican Governors Association.

Mr. Barbour said he was focused for now on this year's elections, a point he hammers home in his political travels. Many of the activists he encounters are the same people he has known and worked with over a four-decade political career that began when he dropped out of the [University of Mississippi](#) to work on [Richard M. Nixon's](#) presidential campaign in 1968.

After serving as chairman of the Republican National Committee in the mid-1990s, overseeing the 1994 Republican takeover in Congress, Mr. Barbour started a powerful Republican lobbying shop, Barbour, Griffith & Rogers, that still bears his name.

That could prove a major vulnerability in a national election: Mr. Barbour was not just a lobbyist, but a tobacco lobbyist. He has also made a smattering of offense-bringing remarks over the years. Most recently, he defended Gov. [Robert F. McDonnell's](#) omission of slavery from his Confederate History Month proclamation in Virginia, saying the uproar was "just a nit" and "something that doesn't matter for diddly."

Mr. Barbour said he would make a decision about his future after leaving the governor's office.



As a possible presidential candidate, he barely registers in early surveys: he finished last in a straw poll at the [Conservative Political Action Conference](#) in February, and also brought up the rear in an April poll by CNN.

Mr. Salter, the political analyst, said he doubted that Mr. Barbour would run. His barometer: If he were running, Mr. Barbour would be taking a harder line against Mr. Obama; also, a harder line against his waistline. If the governor were getting ready to run for president, Mr. Salter said, he would be on a diet.

"If he is going to launch a presidential bid," Mr. Salter said, "it's not going to be from a big and tall men's shop."

As he addressed a group of employees at the La-Z-Boy plant in rural Newton on Wednesday, Mr. Barbour looked every bit the "fat redneck" in his element, smiling big and bear-hugging the lectern as he said "Good to see y'all" to the assembled crowd.

Afterward, as he headed to his waiting car, Mr. Barbour turned to a photographer and expressed this closing wish: "I hope you're making me look thin."

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**This Fall**

June 19, 2010

# Cleanups of Spill and an Agency Test Salazar

By **JOHN M. BRODER** and **GARDINER HARRIS**

WASHINGTON — When [President Obama](#) boasted in his [televised address](#) on Tuesday about his team of leaders fighting the [oil spill](#) in the Gulf of Mexico, he spoke glowingly of his energy secretary, his Coast Guard commander, even his Navy secretary.

Then he turned to [Ken Salazar](#), his interior secretary. “When Ken Salazar became my secretary of the interior, one of his very first acts was to clean up the worst of the corruption at this agency,” Mr. Obama said, referring to Mr. Salazar’s oversight of the [Minerals Management Service](#), the agency responsible for regulating [offshore drilling](#). “But it’s now clear that the problem there ran much deeper, and the pace of reform was just too slow.”

Shortly before the speech, the White House announced that Mr. Salazar would be getting a powerful new deputy, [Michael R. Bromwich](#), a veteran investigator and former prosecutor, to supervise the remaking of the minerals service. What was not mentioned was that Mr. Salazar had appointed two aides to do the same job just a month before, and that Mr. Bromwich’s new assignment essentially reversed not only that move but also perhaps Mr. Salazar’s entire overhaul plan for the minerals service.

Mr. Salazar’s job is not in immediate jeopardy, and the president values the work he has done and will continue to do at the [Interior Department](#), said [Robert Gibbs](#), the White House press secretary.

But a senior administration official, who spoke of a delicate personnel matter only on the condition of anonymity said, “The president and the White House are watching very, very closely the pace of reform at Interior to see that progress is being made that truly cleans it up.”

Mr. Salazar is a core member of what some environmentalists called a “green dream team” of environmental advisers appointed by Mr. Obama shortly after his [inauguration](#). Others include [Steven Chu](#), the energy secretary; [Lisa P. Jackson](#), the [Environmental Protection Agency](#)

administrator; and [Carol M. Browner](#), a White House adviser.

But the Deepwater Horizon disaster and its fallout appear to have shifted the roles of the team members. Mr. Salazar, who started his job billing himself as the “new sheriff in town,” has become noticeably less visible since the minerals agency’s regulatory laxity came under attack, while Dr. Chu and Ms. Browner have moved to the fore. Ms. Jackson has focused closely on issues of air and water quality relating to the spill and has remained largely out of the limelight.

In the first weeks after the oil rig exploded on April 20, Mr. Salazar was one of the administration’s chief spokesmen on the disaster. On May 2, he sat for interviews with four Sunday morning TV talk shows. For weeks, he appeared routinely at hearings on Capitol Hill, often saying of [BP](#) that “we have our boot on their neck to make sure they get the job done.”

But in a [May 27 news conference](#), Mr. Obama scolded Mr. Salazar for his cowboy rhetoric and acknowledged his impatience with the pace of change at the minerals service. In his address last week, Mr. Obama singled out Dr. Chu for praise, pointing out that he was a [Nobel Prize](#) winner leading a team of scientists and engineers working on the leak.

Meanwhile, criticism of the interior secretary by some environmental advocates has mounted since the spill. A group of [scientists and conservation organizations](#) wrote to Mr. Obama last week demanding Mr. Salazar’s resignation, citing what they called his “flawed record on natural resources issues,” including oil drilling, endangered species and [coal](#) leasing decisions.

Even former Interior Secretary [Bruce Babbitt](#), who described himself as a friend of Mr. Salazar, said in an interview that the administration’s response to the disaster had been slow and that its reform proposals too tepid.

“The administration took way too long getting its act together and in mounting a coordinated, aggressive response to the spill,” Mr. Babbitt said.

In an interview Wednesday, Mr. Salazar defended his actions and said he continued to have Mr. Obama’s support.

“I feel good about what I’m doing,” he said, “and I’m very confident and I’m very resolute in our ability to get the job done, and I feel very good about my relationship with President Obama.”

Mr. Salazar said that Mr. Bromwich was his choice for the job to overhaul the minerals service, although he said that Mr. Bromwich’s name along with nine others had been given to him by the White House. “It was my decision and my offer,” Mr. Salazar said.

And while he acknowledged that his overhaul of the service had been too slow, he said quicker

moves would not have changed the outcome of the spill. “BP is the culprit here,” he said.

Perhaps in response to the criticism, a posse of senators rode to Mr. Salazar’s defense last week in a rescue operation coordinated by the administration.

Senator **Richard J. Durbin**, a powerful Illinois Democrat, noted in an interview that the president and Mr. Salazar had joined the Senate at the same time.

“There is a special bond there when you come in new to the Senate,” Mr. Durbin said. “You’re making the same mistakes and asking the same naïve questions. They went through that together. They trust one another and like one another.”

The Senate majority leader, **Harry Reid** of Nevada, said Mr. Salazar was invaluable in lobbying senators during the health care debate and continued to have great support in the Senate.

“I don’t think Ken Salazar has been taken to the woodshed or reprimanded,” Mr. Reid said. “Salazar is someone who is held in high esteem by the White House.”

Several officials painted Mr. Salazar as a tireless worker operating behind the scenes to stop the leaking oil well. “He’s a workhorse,” said Kendra Barkoff, the Interior Department press secretary. “Just because he’s not out there doing TV doesn’t mean he’s not working his tail off.”

Among the defenders was Mr. Salazar’s older brother, Representative. John Salazar, Democrat of Colorado, who said the two of them had been visiting their ailing mother when the rig exploded.

“Ken was on his way back to D.C. the following morning to meet with BP and the other oil companies,” Mr. Salazar said. “That night I called him at 10 and he was still working with them trying to figure out a strategy to best fix this situation.”

He added, “He’s actually enjoying the fight.”

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by [wryheat](#) on Jun.19, 2010, under [energy](#), [politics](#)

## **BP, Obama, and the EPA**

BP's Deepwater Horizon Gulf oil spill has caused environmental and economic damage and a political circus. Have you ever heard of the [National Oil and Hazardous Substances Contingency Plan Act](#)? This law was passed in 1994 and it specifically charges the Environmental Protection Agency (EPA) with mitigating damage from major oil spills. In response to that act, the EPA, itself, [says](#), "When a major oil spill occurs in the United States, coordinated teams of local, state, and national personnel are called upon to help contain the spill, clean it up, and ensure that damage to human health and the environment is minimized. Without careful planning and clear organization, efforts to

deal with large oil spills could be slow, ineffective, and potentially harmful to response personnel and the environment. In the United States, the system for organizing responses to major oil spills is called the National Response System.” The Act makes a prompt and effective response to a major oil spill a national priority. So how are they doing?

Some (mainly conservative) columnists have attributed Obama’s Nero-like lack of concern to [ulterior motives](#). For instance, Obama’s refusal to accept aid from the Dutch government is said to be a sop to the labor unions. And, [Obama is using to oil spill disaster to renew his push for Cap & Trade climate legislation](#).

Maybe there are ulterior motives, but more likely, the less-than-prompt and effective response is probably due to incompetence by Obama and his bureaucracies, just like FEMA’s failure after Katrina. For instance the EPA dithered while considering the possible toxic effects of an [oil dispersant](#) that BP wanted to use. Louisiana Governor Bobby Jindal is incensed with the Coast Guard because they [stopped cleanup efforts](#) to check whether the crews had proper fire extinguishers and life vests.

Meanwhile, Congress is holding hearings, with all their sound and fury, in a feigned effort to investigate BP (and give “face time” to legislators). Such hearings have no practical value in mitigating the oil spill.

Obama used the oil spill as an excuse to impose a six-month moratorium of deep water drilling, possibly to promote more “alternative energy” schemes. Obama said it was for “safety” concerns by the Department of the Interior, but analysis by the Wall Street Journal shows that this was [all about politics](#). Another possible ulterior motive: the oil spill and Obama’s moratorium will aid Obama contributor [George Soros](#) who is heavily involved in Brazilian oil. Brazil stands to benefit from the BP oil spill catastrophe as the US moratorium makes more rigs available for other countries.

Yes, BP should be held responsible for the loss of economic activity caused by the accident. But government action, and inaction, is making things worse. They are not letting a good crisis go to waste.

:[BP](#), [Coast Guard](#), [epa](#), [FEMA](#), [Gulf oil spill](#), [National contingency plan](#), [Obama](#), [Soros](#), [technology](#)

## 5 Comments for this entry



*Bill Hilser*

[June 19th, 2010 on 2:04 pm](#)

It’s not Obama’s fault. After all, he’s only a community organizer, not a real president. I guess we’ll have to wait ’til 2012 for the real thing to show up.

[Reply](#)



*Brian J. Donovan*

[June 20th, 2010 on 2:10 am](#)



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June 19, 2010

# BP Chief Draws Outrage for Attending Yacht Race

By **LIZ ROBBINS**

BP officials on Saturday scrambled yet again to respond to another public relations challenge when their embattled chief executive, **Tony Hayward**, spent the day off the coast of England watching his yacht compete in one of the world's largest races.

Two days after Mr. Hayward angered lawmakers on Capitol Hill with his refusal to provide details during testimony about the worst offshore **oil spill** in United States history, and one day after BP's chairman said the chief executive would not be as involved in daily operations in the Gulf of Mexico, Mr. Hayward sparked new controversy from afar.

"He is having some rare private time with his son," a BP spokeswoman, Sheila Williams, said in a telephone interview on Saturday.

But **Rahm Emanuel**, the White House chief of staff, who taped an interview for ABC's "This Week," called Mr. Hayward's attendance at the race "part of a long line of P.R. gaffes and mistakes" that he has made.

"To quote Tony Hayward, he's got his life back," Mr. Emanuel said.

On May 31, six weeks after the spill began, Mr. Hayward uttered "I'd like my life back," a comment that struck many in the gulf region as insensitive, and for which he eventually apologized.

On Saturday, Senator **Richard Shelby**, Republican of Alabama, called Mr. Hayward's yacht outing the "height of arrogance," in an interview with Fox News.

"I can tell you that yacht ought to be here skimming and cleaning up a lot of the oil," Mr. Shelby said. "He ought to be down here seeing what is really going on. Not in a cocoon somewhere."

But Mr. Hayward's role in the gulf became the topic of further speculation on Saturday, even as



Ms. Williams, the BP spokeswoman, insisted that Mr. Hayward was still in charge of the company and the enormous cleanup operations.

“Tony receives regular updates from the gulf,” she said in an e-mail message.

On Friday, the chairman of the board of BP, [Carl-Henric Svanberg](#), told the British TV network Sky News that Mr. Hayward would be “now handing over” the daily operations in the gulf to Robert Dudley, an American who joined BP as part of its acquisition of Amoco a decade ago.

On Saturday, BP tried to clarify what Mr. Svanberg had said about the transition of leadership in the gulf. “What he meant by ‘now,’ ” Ms. Williams said, was that “there would be a transition over to Bob over a period of time.”

“Obviously, Tony’s main priority remains overseeing all BP operations,” she said. “Over all, there will be some responsibilities handed over, but Tony will remain in full control until we have stopped the leak.”

When that might happen is not clear. Crude oil is flowing at a rate estimated between 35,000 and 60,000 barrels of oil a day from the damaged well, and BP has been able to capture only a percentage of that with its current containment methods.

BP said it was aiming to stop the leak in August, when two relief wells it is drilling will intersect with the damaged one. The company said on Friday that it was ahead of schedule on one of the wells and within 200 feet of the side of the damaged well, but that the drilling would proceed more slowly the closer it got.

Workers had captured 24,500 barrels of oil on Friday before shutting down the operation because of a malfunction on the vessel that is siphoning the oil from the leaking well — 1,000 fewer barrels than on Thursday. Operations restarted early Saturday.

By then, Mr. Hayward was already in Cowes on the southern coast of England for the [J. P. Morgan](#) Asset Management Round the Island Race, a yacht race around the Isle of Wight. A spokeswoman for the race said in an e-mail message “that a gentleman by the name of Tony Hayward is a co-owner of an entered boat called ‘Bob’ that was racing today, however his name did not appear on any crew list.”

The boat [finished fourth](#) in a class of 45 others.



# OU researchers hope for grants to study oil spill's health effects

- [Casey Wilson/The Daily](#)

Saturday, June 19, 2010

Oklahoma may benefit from the oil spill in the Gulf of Mexico by way of grants that will aid the studying of the health effects of the oil, which will be a factor for decades to come, two researchers said Friday at the OU Health Sciences Center.

The National Institutes of Health has issued grant-funding possibility for work involved in risk-assessment for individuals working on the Gulf oil spill, said Jay Hanas, who is researching the health effects on people from oil and fumes

"Hopefully there will be some research opportunities," Hanas said. "There will be studies from not only human aspect but also the marine life aspect."

Hanas said he and his ground has performed experiments that study the effects of oil when in contacts skin and when fumes from the oil are inhaled.

When the oil contacts the skin, Hanas said, there can be systemic organ distress.

"All the organs we looked at, we saw cellular damage, usually in the form of apoptosis, which is the term for cell death," Hanas said.

Hanas said the other study, which dealt with inhalation of vapors form the oil, revealed that exposure caused the same type of systemic damage.

"Already the workers in the Gulf that are dealing with the clean up are experiencing health problems," he said.

Robert Lynch, an environmental heath expert with the College of Public Health, said people who are working to clean up the spill face a large exposure to the harmful chemicals in the oil, which causes worker safety issues.

"You can't just send anyone out there because this stuff is toxic," Lynch said. "People need to be trained properly."

Tourists who visit the Gulf need to be careful of exposure to oil, Lynch said.

"If it looks oily or smells oily, don't go there," he said.

Lynch said oil is easy to clean off it someone gets it on his or her hands.

"But the best solution is to stay away," he said.



Robert Lynch, an environmental health expert from the OU College of Public Health, speaks at a press conference Friday at the OU Health Sciences Center. (Jessica Parham/The Daily)



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June 18, 2010

# Signs of Hope as BP Captures Record Oil Amounts

By **LIZ ROBBINS**

Good days are relative for **BP**, the company responsible for stopping the largest offshore **oil spill** in the nation's history. But the last two days brought moderate signs of progress in the company's struggle to contain the catastrophe flowing from the floor of the Gulf of Mexico.

BP said Friday that it had captured 25,290 barrels on Thursday of crude oil leaking from the wrecked well. That amount was the most for a single day since the explosion on the Deepwater Horizon rig on April 20, though still not close to the total amount of oil pouring into the gulf each day.

The drilling of one of the relief wells, expected to be the means of sealing the damaged well, came within 200 feet of its destination, BP said.

The Coast Guard, meanwhile, said skimming equipment was being constructed for 2,000 more available vessels through BP's Vessels of Opportunity program, which hires local boat owners to help clean up the oil.

"As many as we can make and as fast as we can get them here," Adm. **Thad W. Allen** of the Coast Guard, the national incident commander, said in his daily briefing.

The need for expediency underscores the stark reality: oil is still gushing at 35,000 to 60,000 barrels a day, with no signs of slowing down.

BP said early August was still the target time for killing the well — the technical term for sealing what has become a pernicious adversary — when the two relief wells are completed.

How, then, is it possible to measure progress that may seem like a few drops in the proverbial bucket? The Coast Guard and BP prefer to consider the recent small advances — cautiously — as signs of hope. The Q4000, the second vessel to join the containment effort above the well,

began collecting oil Tuesday morning, and within three days was nearly achieving its maximum capacity of about 10,000 barrels a day.

On Wednesday, the two systems combined to collect 18,600 barrels of oil, which increased by nearly 7,000 barrels on Thursday. “I was quite encouraged,” said Kent Wells, a BP senior vice president, who gave a technical update to reporters on Friday.

By the end of June, the Q4000, together with the Discoverer Enterprise, the vessel with a direct connection to the containment cap on the well, will be joined by a third means of collecting escaping oil: a free-standing riser on the seabed floor. Together, they are expected to be able to collect about 50,000 barrels of oil daily, Mr. Wells said.

By mid-July, BP is planning to put a tighter cap on the well, and establish the second free-standing riser pipe, which can easily be disconnected in the event of a hurricane. By then, there would be four vessels in the gulf collecting oil — with a total capacity of 80,000 barrels a day.

That figure might seem excessive, considering scientists have estimated the maximum flow rate to be only 60,000 barrels a day. But Mr. Wells explained that was to cover all contingencies, “if once we start capturing all the oil, something goes wrong and we’re not capturing any at all,” he said.

After all, the process to kill and even contain the well has been full of failed attempts only recently.

BP has said that the relief well offers the best chance to seal the well for good. Two wells are being drilled — one as a backup. Although the first is close to the existing well, the farther down in the layers of rock beneath the seabed the drill bit goes, the slower the process will be as BP determines the exact point to curve back and intersect the leaking well. They will use electromagnetic sensors to assist them.

“We’re going to drill a couple hundred feet, see where the well is, and drill another 200 feet,” Mr. Wells said. “We’re honing in on exactly where the well is. Not only do we have to find where it is, we have to go right beside it and come back into it — that’s what takes the time.”

As of Thursday, BP has been able to capture 204,200 barrels of oil using the twofold containment system.

“Things have gone well down to this stage,” Mr. Wells said, “but that doesn’t always mean things will continue to go well.”



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June 18, 2010

# Where Gulf Spill Might Place on the Roll of Disasters

By **JUSTIN GILLIS**

From the Oval Office the other night, **President Obama** called the **oil** leak in the Gulf of Mexico “the worst environmental disaster America has ever faced.” Senior people in the government have echoed that language.

The motive seems clear. The words signal sympathy for the people of the Gulf Coast, an acknowledgment of the magnitude of their struggle. And if this is really the worst environmental disaster, the wording seems to suggest, maybe people need to cut the government some slack for failing to get it under control right away.

But is the description accurate?

Scholars of environmental history, while expressing sympathy for the people of the gulf, say the assertion is debatable. They offer an intimidating list of disasters to consider: floods caused by human negligence, the destruction of forests across the entire continent and the near-extirmination of the American bison.

“The White House is ignoring all the shades and complexities here to make a dramatic point,” said Donald E. Worster, an environmental historian at the **University of Kansas** and a visiting scholar at Yale.

The professors also note the impossibility of ranking such a varied list of catastrophes. Perhaps the worst disaster, they say, is always the one people are living through now.

Still, for sheer disruption to human lives, several of them could think of no environmental problem in American history quite equaling the calamity known as [the Dust Bowl](#).

“The Dust Bowl is arguably one of the worst ecological blunders in world history,” said Ted Steinberg, a historian at Case Western Reserve University.

Across the High Plains, stretching from the Texas Panhandle to the Dakotas, poor farming practices in the early part of the 20th century stripped away the native grasses that held moisture and soil in place. A drought that began in 1930 exposed the folly.

Boiling clouds of dust whipped up by harsh winds buried homes and cars, destroyed crops, choked farm animals to death and sent children to the hospital with pneumonia. At first the crisis was ignored in Washington, but then the apocalyptic clouds began to blow all the way to New York, Buffalo and Chicago. A hearing in Congress on the disaster was interrupted by the arrival of a dust storm.

By the mid-1930s, people started to give up on the region in droves. The Dust Bowl refugees joined a larger stream of migrants displaced by agricultural mechanization, and by 1940 more than two million people had left the Great Plains States.

However, the Dust Bowl lasted a decade, and that raises an issue. What exactly should be defined as an environmental disaster? How long should an event take to play out, and how many people have to be harmed before it deserves that epithet?

Among sudden events, [the Johnstown Flood](#) might be a candidate for worst environmental disaster. On May 31, 1889, heavy rains caused a poorly maintained dam to burst in southwestern Pennsylvania, sending a wall of water 14 miles downriver to the town of Johnstown. About 2,200 people were killed in one of the worst tolls in the nation's history.

At the time it happened, that event was understood as a failure of engineering and maintenance, and that is how it has come down in history. Perhaps a one-day flood is simply too short-term to count as an environmental disaster.

On the other hand, if events that played out over many decades are included, the field of candidates expands sharply.

Perhaps the destruction of the native forests of North America, which took hundreds of years, should be counted as the nation's largest environmental calamity. The slaughtering of millions of bison on the Great Plains might qualify.

Craig E. Colten, a geographer at Louisiana State University, nominates "the human overhaul of the Mississippi River Valley," which destroyed many thousands of acres of wetlands and made the region more vulnerable to later events like [Hurricane Katrina](#).

However, those activities were not seen as disasters at the time, at least by the people who carried them out. They were viewed as desirable alterations of the landscape. It is only in retrospect that people have come to understand what was lost, so maybe those do not belong on a disaster list.

Oil spills, too, seem to be judged more by their effect on people than on the environment. Consider [the Lakeview Gusher](#), which was almost certainly a worse oil spill, by volume, than the one continuing in the gulf.

In the southern end of California's San Joaquin Valley, an oil rush was on in the early decades of the 20th century. On March 14, 1910, a well halfway between the towns of Taft and Maricopa, in Kern County, blew out with a mighty roar.

It continued spewing huge quantities of oil for 18 months. The version of events accepted by the State of California puts the flow rate near 100,000 barrels a day at times. "It's the granddaddy of all gushers," said Pete Gianopulos, an amateur historian in the area.

The ultimate volume spilled was calculated at 9 million barrels, or 378 million gallons. According to the highest government estimates, the Deepwater Horizon spill is not yet half that size.

The Lakeview oil was penned in immense pools by sandbags and earthen berms, and nearly half was recovered and refined by the Union Oil Company. The rest soaked into the ground or evaporated. Today, [little evidence of the spill remains](#), and outside Kern County, it has been largely forgotten. That is surely because the area is desert scrubland, and few people were inconvenienced by the spill.

That sets it apart from the Deepwater Horizon leak. The environmental effects of the gulf spill

remain largely unknown. But the number of lives disrupted is certainly in the thousands, if not the tens of thousands; the paychecks lost in industries like fishing add up to millions; and the ultimate cost will be counted in billions.

Even with all that pain, can it yet be called the nation's worst environmental disaster?

"My take," said William W. Savage Jr., a professor of history at the [University of Oklahoma](#), "is that we're not going to be able to tell until it's over."

*Barclay Walsh contributed research.*



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June 18, 2010

# Clean the Gulf, Clean House, Clean Their Clock

By **FRANK RICH**

PRESIDENT Obama is not known for wild pronouncements, so it was startling to hear him [liken the gulf oil spill to 9/11](#). Alas, this bold analogy, made in [an interview with Roger Simon of Politico](#), proved a misleading trailer for the main event. In the president's [prime-time address](#) a few days later, there was still talk of war, but the ammunition was sanded down to bullet points: "a clean energy future," "a long-term gulf coast restoration plan" and, that most dreaded of perennials, "a national commission." Such generic placeholders, unanimated by details or deadlines, are Washingtonese for "The buck stops elsewhere."

The speech's pans were inevitable, but in truth it was doomed no matter what the words or how cool or faux angry the performance. The president had it right the first time — this is a 9/11 crisis — and only action will do. The sole sentence that really counted on Tuesday night was his prediction that "in the coming weeks and days, these efforts should capture up to 90 percent of the oil leaking out of the well." He will be judged on whether that's true. The sole event that mattered last week was his jawboning of BP for [a \\$20 billion down payment of blood money](#) — to be overseen, appropriately enough, [by Kenneth Feinberg](#) of the September 11th Victim Compensation Fund.

That action could be a turning point for Obama if he builds on it. And he must. In this 9/11, it's not just the future of the gulf coast, energy policy or his presidency that's in jeopardy. What's also being tarred daily by the gushing oil is the very notion that government can accomplish anything. The current crisis in that faith predates this disaster. In the short history of the Obama White House, two of its most urgent projects, reducing unemployment and pacifying Afghanistan, have yet to yield persuasive results. The dividends on the third, health care reform, won't be in the mail for years.

Given that record of incompletes, the government's failure to police BP and the administration's seeming impotence once disaster struck couldn't have been more ill-timed.



And there's no miracle fix. Obama can't play Aquaman in the gulf, he can't coax a new jobs program out of a deficit-fixated Congress, and he can't quit Hamid Karzai. Indeed, if the president had actually outlined new energy policies Tuesday night, they would have been dismissed as more empty promises from a government that can't even measure the extent of the spill.

While Obama ended his speech with an exhortation for prayer, hope for divine intervention is no substitute for his own intercession. He could start running his administration with a 9/11 sense of urgency. And he could explain to the country exactly what the other side is offering as an alternative to his governance — non-governance that gives even more clout to irresponsible corporate giants like BP. As our most popular national politician, Obama still has power, within his White House and with the public, to effect change — should he exercise it.

Some exposure to the voluminous investigative reporting incited by this crisis might move him to step up his game. After all, the muckraking of McClure's magazine a century ago, some of it aimed at Standard Oil, helped fuel Teddy Roosevelt's activism. T.R. called it "torrential journalism," and a particularly torrential contemporary example is [a scathing account of Obama's own Interior Department by Tim Dickinson in Rolling Stone](#), a publication often friendly to this president. Dickinson's findings will liberate Obama from any illusions that the systemic failure to crack down on BP was the unavoidable legacy of the derelict Minerals Management Service he inherited from Bush-Cheney.

In Rolling Stone's account, the current interior secretary, Ken Salazar, left too many "long-serving lackeys of the oil industry in charge" at M.M.S. even as he added to their responsibilities by raising offshore drilling to record levels. One of those Bush holdovers was tainted by a scandal that will cost taxpayers as much as \$53 billion in uncollected drilling fees from the oil giants — or more than twice what Obama has extracted from BP for its sins so far.

Dickinson reports that Salazar and M.M.S. continued to give BP free rein well after Obama took office — despite the company's horrific record of having been "implicated in each of the worst oil disasters in American history, dating back to the Exxon Valdez in 1989." Even as the interior secretary [hyped himself](#) as "a new sheriff in town," BP was given a green light to drill in the gulf without a comprehensive environmental review.

[Obama has said](#) he would have fired Tony Hayward, BP's chief executive, but his own managers have not been held so accountable. The new director of M.M.S. installed by Salazar 10 months ago has now [walked the plank](#), but she doesn't appear to have been a major player in lapses that were all but ordained by policy imperatives from above. The president has still neither explained nor apologized [for his own assertion in early April](#) that "oil rigs today generally don't

cause spills” — a statement that is simply impossible to square with [Salazar’s claim](#) that the administration’s new offshore drilling policy, supposedly the product of a year’s study, was “based on sound information and sound science.”

The president must come clean and clean house not just because it’s right. He must rebuild confidence in his government for that inevitable day when the next crisis hits the fan. That would be Afghanistan, and the day is rapidly arriving. Already Obama’s chosen executive there, Gen. Stanley McChrystal, is [calling](#) the much-heralded test case for administration counterinsurgency policy — the de-Talibanization and stabilization of the Marja district — “a bleeding ulcer.” And that, relatively speaking, is the *good* news from this war.

The president’s shake-up of his own governance can’t wait, as tradition often has it, until after the next election. The Tea Party is at the barricades. When Obama said yet again on Tuesday that he would be “happy to look at other ideas and approaches from either party,” you wanted to shout back, Enough already! His energy would be far better spent calling out in no uncertain terms what the other party’s “ideas and approaches” are. The more the Fox-Palin right has strengthened its hold on the G.O.P. during primary season, the sharper and more risky its ideology has become.

When [Rand Paul defended BP](#) against Salazar’s (empty) threat to keep a boot on the company’s neck, he was not speaking as some oddball libertarian outlier. His views are mainstream in his conservative cohort. Traditional Republican calls for limited government have given way to radical cries for abolishing many of modern government’s essential tasks. [Paul has called](#) for the elimination of the Department of Education, the Federal Reserve and [the Americans with Disabilities Act](#). The newest G.O.P. star — Sharron Angle, the victor in this month’s Republican senatorial primary in Nevada — has also marked the Energy Department, [the Environmental Protection Agency](#), [the Department of Veterans Affairs](#), Social Security and Medicare [for either demolition or privatization](#).

Pertinently enough, Angle has also called for processing highly radioactive nuclear waste [at Nevada’s Yucca Mountain](#). If Americans abhor poorly regulated deepwater oil drilling, wait until they get a load of nuclear waste on land with no regulatory agency in charge at all. The choice between inept government and no government is no choice at all, of course. But there would be a clear alternative if the president could persuade the country that Washington, or at least its executive branch, can be reformed — a process that demands him to own up fully to his own mistakes and decisively correct them.

While the greatest environmental disaster in our history is a trying juncture for Obama, it also provides him with a nearly unparalleled opening to make his and government’s case. The spill’s

sole positive benefit has been to unambiguously expose the hard right, for all its populist pandering to the Tea Partiers, as a stalking horse for its most rapacious corporate patrons. If this president can speak lucidly of race to America, he can certainly explain how the antigovernment crusaders are often the paid toadies of bad actors like BP. Such big corporations are only too glad to replace big government with governance of their own, by their own, and for their own profit — while the “[small people](#)” are left to eat cake at their tea parties.

When Joe Barton, the ranking Republican on the House Energy and Commerce Committee, revived Rand Paul’s defense of BP last week [by apologizing on camera to Hayward](#) for the “tragedy” of the White House’s “\$20 billion shakedown,” the G.O.P. establishment had to shut him down because he was revealing the party’s true loyalties, not because it disagreed with him. Barton was merely echoing Michele Bachmann, who [labeled the \\$20 billion for gulf victims](#) a “redistribution-of-wealth fund,” and the [100-plus other House members](#) whose Republican Study Committee [had labeled](#) the \$20 billion a “Chicago-style shakedown” only a day before Barton did.

These tribunes of the antigovernment right and their Tea Party auxiliaries are clamoring for a new revolution to “take back America” — after which, we now can see, they would hand over America to the likes of BP. Let Deepwater Horizon be ground zero for a 9/11 showdown over the role of government. There couldn’t be a riper moment for Obama, as a man once said, to bring it on.



Everything New Orleans

## BP adding piers to marina in which Plaquemines President Billy Nungesser has ownership share

Published: Friday, June 18, 2010, 9:30 AM      Updated: Friday, June 18, 2010, 9:37 AM



**Richard Rainey, The Times-Picayune**

Plaquemines Parish President Billy Nungesser, who has become a national symbol of frustration by decrying BP's and the federal government's efforts to clean up the **oil leaking into the Gulf of Mexico**, has an interest in a Port Sulphur marina that is being refurbished on the oil company's dime.



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Susan Poag/The Times-Picayune

BP has been using Myrtle Grove Marina as a staging ground for its cleanup efforts since May 22.

Myrtle Grove Marina is half-owned by Pointe Celeste Inter Vivos Trust, an entity from which Nungesser made less than \$5,000 in 2009, according to his personal financial disclosure forms filed with the state Ethics Administration. The trust includes seven other companies, records show.

BP has been using the marina as a staging ground for its cleanup efforts since May 22, marina manager Leona Squarsich said Thursday. To handle the extra 20 to 40 vessels using it daily, BP has begun outfitting it with new piers, she said.

BP spokesman Steve Rinehart confirmed that the company had a contract with Myrtle Grove Marina.

"The marina looks a lot different lately," Squarsich said.

It's uncertain how the marina became a staging ground for BP. Nungesser didn't return a request for comment. He did not tour the oil spill Thursday with Gov. Bobby Jindal because of an illness, parish spokesman Kurt Fromherz said. BP did not return a request for information Thursday.

Assistant marina manager Sarah Squarsich, Leona's daughter, said she couldn't comment on the marina's owners, saying it was a silent partnership. Myrtle Grove Marina is listed in public records under addresses in Belle Chasse and Port Sulphur, but Squarsich said the two were the same company.

"There's only one Myrtle Grove Marina," she said.



Matthew Hinton, The Times-Picayune archive

Plaquemines Parish President Billy Nungesser was photographed May 8 during a news conference at Cypress Cove Marina in Venice.

Like many of his constituents who own businesses, Nungesser has turned to BP for income while simultaneously chastising the company for wreaking havoc on the regional economy. The federal government has shut down vast stretches of oyster beds and fishing grounds because of the spreading oil.

The parish president has not held back during public deliveries of frustration against BP and the Coast Guard as the two try to manage the monster response effort. He has complained before Congress that he finds it hard to tell which one is in charge.

"Is it BP? Is it the Coast Guard? I have spent more time fighting the officials and the Coast Guard than fighting the oil," Nungesser said last week.

Nungesser has been interviewed repeatedly by national news organizations and, during an interview with CNN's Anderson Cooper, gave the initial local response to President Barack Obama's national oil spill address Tuesday night.

*Richard Rainey can be reached at [rrainey@timespicayune.com](mailto:rrainey@timespicayune.com) or 504.883.7052.*

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Everything New Orleans

## Court hearing on proposed drilling moratorium injunction Monday

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**Rebecca Mowbray, The Times-Picayune**

A key hearing in a lawsuit **seeking to lift** the deepwater drilling moratorium will go forward Monday morning in federal court in New Orleans on an expedited basis, despite an effort by the federal government for a delay until the end of July, two months into the six-month shutdown.



Rusty Costanza / The Times-Picayune

Capt. Richard Garner stands on the deck of the Carol Chouest, a 280-foot-long, state-of-the-art supply vessel tied up in early June at Port Fourchon with two identical sister vessels, the Hannah Chouest, center, and the C-Fighter. The Chouest companies have joined a suit challenging the deepwater drilling moratorium.

In a handwritten note, U.S. District Court Judge Martin Feldman on Monday crossed through the proposed order from the U.S. government and wrote, "Denied. The issues presented are of national significance and to delay resolution would be irresponsible."

Monday's hearing is to decide whether a preliminary injunction against the moratorium is warranted. The hearing is set for 9:30 a.m.

Meanwhile, the lawsuit filed by Hornbeck Offshore LLC on June 7 has gained steam as some of the largest marine service and shipbuilding companies in Louisiana have signed on as plaintiffs.

Bollinger Shipyards Inc., which is based in Lockport and has 2,500 employees across different companies along the Gulf Coast and 5,000 active vendors around the country, joined the suit.

So did the shore-side services, vessel and shipyard companies affiliated with the Chouest companies in Galliano, which have 8,000 employees.

A Lafayette Parish company called Bee-Mar, which has 75 employees and owns and operates ships that support deepwater drilling, also signed on.

Hornbeck has 1,300 employees and 2,000 current vendors.

The companies argue that the May 28 moratorium announced by Interior Secretary Ken Salazar will irreparably harm their businesses, and that the measure is arbitrary, capricious and an abuse of discretion.

They argue that the U.S. Minerals Management Service, a division of the Department of Interior, inspected rigs in May after the April 20 Deepwater Horizon rig explosion and found no violations on 27 rigs and only minor violations on two others. They further argue that MMS has offered no explanation for why all drilling operations in more than 500 feet of water are dangerous. They also argue that drilling is effectively shut down in shallow water and that in practical terms, the moratorium will last for more than six months because rigs will be forced to relocate elsewhere, and owners are canceling contracts with vessel companies in the Gulf.

The companies also point out that the Outer Continental Shelf Lands Act requires that any suspensions be made on an individual basis.

The U.S. Department of Justice, representing the Interior Department, said the plaintiffs provided "nothing more than bare conclusory allegations that their financial interests will somehow be irreparably harmed, " by the "brief" six-month moratorium. The Justice Department argued that more time is needed to sufficiently consider the broad environmental issues, safety policies and other complex questions contemplated by the moratorium in the face of an unprecedented disaster.

Each side will limited to one hour of argument Monday. No other groups have intervened in the suit.

*Rebecca Mowbray can be reached at [rmowbray@timespicayune.com](mailto:rmowbray@timespicayune.com) or 504.826.3417.*

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[Print Page](#)

## Are the Internet rumors true?

*Web is awash with allegations about air quality concerns related to oil spill*

**By Bob Morgan**

(Created: Thursday, June 17, 2010 10:05 AM CDT)

Asked about a swarm of Internet rumors that so-called "volatile organic compounds" are in the air as a result of the ongoing Gulf oil spill, an official with the Alabama Department of Environmental Management (ADEM) said his agency can only go on what the Environmental Protection Agency (EPA) tells them, and that is that no air quality concerns exist at this point.

Ron Gore, who heads up ADEM's Air Division, said on Monday that "three or four states" and the EPA have a program in place to monitor air quality in connection with the oil spill crisis, and that the EPA collects the data and analyzes it.

"EPA has said the monitoring they are doing has shown no air quality concerns at this point," Gore said, adding that odors in connection with the oil is "probable and possible" along the Alabama coast and other coastal states directly affected by the oil spill.

Internet sites, however, point to an alleged EPA report of late that shows toxins or volatile organic compounds — VOCs — in the air as a result of the spewing oil that is working its way to shorelines along the Gulf. Among the alleged VOCs are hydrogen sulfide, benzene and methylene chloride, all in amounts up to hundreds of times the acceptable limits, according to the Internet sites.

These VOCs are allegedly being sent to shore by the same winds that are pushing the oil inland.

Asked what he would say to people who might have concerns after reading Internet sites carrying the VOC story, Gore said, "All I can do is repeat what EPA is telling us," namely, that no detectable levels of toxins from the oil spill have been found to date that could affect human health.

The Internet sites say the VOCs allegedly recorded by EPA can result in everything from death to brain and birth disorders to respiratory and kidney failure.

Kim Taylor, public information officer with the Baldwin County Health Department, said Monday that BCHD isn't doing any air quality monitoring itself but is getting reports from a company called CTEH.

"They have approximately hundreds of (monitoring) stations along the coast from Louisiana to Florida, some of which overlap each other," Taylor said. She said CTEH is looking for hydrocarbons and other air contaminants but everything has been "all clean to this point."

CTEH is Center for Toxicology and Environmental Health, located in Little Rock, Ark.

Taylor said CTEH's air monitoring resulted in one fact she found especially interesting.

"Even on days when there was a (oil) smell in the air, it didn't correlate with (bad) air quality and vice versa," she said.

Asked about any health problems in the county that might have been manifested since the oil spill crisis started, Taylor said BCHD has been monitoring hospital emergency rooms and certain medical services outlets.



"There has been no widespread presentation of respiratory problems," Taylor said of Baldwin County.

Asked what she would say to county residents who might have read Internet accounts concerning VOCs or heard rumors about the toxins as they relate to the oil spill and local air quality, Taylor said it would be best to stay inside with air conditioning should air quality reports begin to reflect less than ideal or acceptable contaminant levels. That would be especially true for those who might have respiratory issues, she said.

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Jun 17, 7:40 AM EDT

## Sea creatures flee oil spill, gather near shore

By JAY REEVES, JOHN FLESHER and TAMARA LUSH  
Associated Press Writers

GULF SHORES, Ala. (AP) -- Dolphins and sharks are showing up in surprisingly shallow water off Florida beaches, like forest animals fleeing a fire. Mulletts, crabs, rays and small fish congregate by the thousands off an Alabama pier. Birds covered in oil are crawling deep into marshes, never to be seen again.

Marine scientists studying the effects of the BP disaster are seeing some strange phenomena.

Fish and other wildlife seem to be fleeing the oil out in the Gulf and clustering in cleaner waters along the coast in a trend that some researchers see as a potentially troubling sign.

The animals' presence close to shore means their usual habitat is badly polluted, and the crowding could result in mass die-offs as fish run out of oxygen. Also, the animals could easily be devoured by predators.

"A parallel would be: Why are the wildlife running to the edge of a forest on fire? There will be a lot of fish, sharks, turtles trying to get out of this water they detect is not suitable," said Larry Crowder, a Duke University marine biologist.

The nearly two-month-old spill has created an environmental catastrophe unparalleled in U.S. history as tens of millions of gallons of oil have spewed into the Gulf of Mexico ecosystem. Scientists are seeing some unusual things as they try to understand the effects on thousands of species of marine life.

Day by day, scientists in boats tally up dead birds, sea turtles and other animals, but the toll is surprisingly small given the size of the disaster. The latest figures show that 783 birds, 353 turtles and 41 mammals have died - numbers that pale in comparison to what happened after the Exxon Valdez disaster in Alaska in 1989, when



AP Photo/Derrick E. Hingle

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250,000 birds and 2,800 otters are believed to have died.

Researchers say there are several reasons for the relatively small death toll: The vast nature of the spill means scientists are able to locate only a small fraction of the dead animals. Many will never be found after sinking to the bottom of the sea or being scavenged by other marine life. And large numbers of birds are meeting their deaths deep in the Louisiana marshes where they seek refuge from the onslaught of oil.

"That is their understanding of how to protect themselves," said Doug Zimmer, spokesman for the U.S. Fish and Wildlife Service.

For nearly four hours Monday, a three-person crew with Greenpeace cruised past delicate islands and mangrove-dotted inlets in Barataria Bay off southern Louisiana. They saw dolphins by the dozen frolicking in the oily sheen and oil-tinged pelicans feeding their young. But they spotted no dead animals.

"I think part of the reason why we're not seeing more yet is that the impacts of this crisis are really just beginning," Greenpeace marine biologist John Hocevar said.

The counting of dead wildlife in the Gulf is more than an academic exercise: The deaths will help determine how much BP pays in damages.

As for the fish, researchers are still trying to determine where exactly they are migrating to understand the full scope of the disaster, and no scientific consensus has emerged about the trend.

Mark Robson, director of the Division of Marine Fisheries Management with Florida Fish and Wildlife Conservation Commission, said his agency has yet to find any scientific evidence that fish are being adversely affected off his state's waters. He noted that it is common for fish to flee major changes in their environment, however.

In some areas along the coast, researchers believe fish are swimming closer to shore because the water is cleaner and more abundant in oxygen. Farther out in the Gulf, researchers say, the spill is not only tainting the water with oil but also depleting oxygen levels.

A similar scenario occurs during "dead zone" periods - the time during summer months when oxygen becomes so depleted that fish race toward shore in large numbers. Sometimes, so many fish gather close to the shoreline off Mobile that locals rush to the beach with tubs and nets to reap the harvest.

But this latest shore migration could prove deadly.

First, more oil could eventually wash ashore and overwhelm the fish. They could also become trapped between the slick and the beach, leading to increased competition for oxygen in the water and causing them to die as they run out of air.

"Their ability to avoid it may be limited in the long term, especially if in near-shore refuges they're crowding in close to shore, and oil continues to come in. At some point they'll get trapped," said Crowder, expert in marine



#### Multimedia



An interactive look at the business impact of the oil spill.



A look at the environmental impact of the Gulf oil spill.



Tracking the Gulf Oil Spill



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♦ Ask AP: Kudzu as biofuel, reporting from Gaza

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Oval Office addresses

ecology and fisheries. "It could lead to die-offs."

The fish could also fall victim to predators such as sharks and seabirds. Already there have been increased shark sightings in shallow waters along the Gulf Coast.

The migration of fish away from the oil spill can be good news for some coastal residents.

Tom Sabo has been fishing off Panama City, Fla., for years, and he's never seen the fishing better or the water any clearer than it was last weekend 16 to 20 miles off the coast. His fishing spot was far enough east that it wasn't affected by the pollution or federal restrictions, and it's possible that his huge catch of red snapper, grouper, king mackerel and amberjack was a result of fish fleeing the spill.

In Alabama, locals are seeing large schools hanging around piers where fishing has been banned, leading them to believe the fish feel safer now that they are not being disturbed by fishermen.

"We pretty much just got tired of catching fish," Sabo said. "It was just inordinately easy, and these were strong fish, nothing that was affected by oil. It's not just me. I had to wait at the cleaning table to clean fish."

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Lush contributed from Barataria Bay, La., Flesher from Traverse City, Mich.

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Jun 22, 6:21 AM EDT

## AP source: White House budget chief stepping down

 By BEN FELLER  
 Associated Press Writer

WASHINGTON (AP) -- White House Budget Director Peter Orszag's expected resignation would make him the first high-profile member of President Barack Obama's team to depart the administration.

A Democratic official said Monday that Orszag is expected to leave in the coming months, although the exact timing is not known. The official confirmed the news to The Associated Press on condition of anonymity because it had not been announced.

As director of the Office of Management and Budget, Orszag holds Cabinet-level rank and a pivotal role in shaping and defending how the administration spends the public's money. He quickly emerged from a bureaucratic post to become a camera-friendly face of Obama's government, often in front on plans to confront the deficit and to spur the economy.

Orszag's spokesman, Kenneth Baer, said only, "Peter's focused on his work, not on Washington speculation."

That speculation has for weeks held that Orszag would leave this year after a grueling, nonstop sprint as the head of the budget agency and a key adviser to Obama. During his tenure, Congress has passed the most expensive economic stimulus program in U.S. history and a massive health care reform law. Orszag has overseen Obama's first two budgets, too.

Orszag, 41, came to Obama's government from the position of director of the Congressional Budget Office, the agency charged with providing nonpartisan analyses of economic issues to lawmakers.



AP Photo/Carolyn Kaster


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He served during Bill Clinton's administration as an assistant to the president for economic policy and a senior adviser at the National Economic Council.



The move comes as Obama continues to face the steep economic challenges of reining in the deficit and rallying support for more stimulative spending. The economic recovery is plodding along but unemployment remains near 10 percent.

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## Daily Environment Report<sup>TM</sup>

Source: Daily Environment Report: News Archive > 2010 > June > 06/22/2010 > News > Biotechnology: Supreme Court Rules Ban on Deregulation Of Genetically Modified Crops Was Too Broad

118 DEN A-4

### **Biotechnology**

### **Supreme Court Rules Ban on Deregulation Of Genetically Modified Crops Was Too Broad**

A federal district court abused its discretion in barring all deregulation of genetically modified alfalfa crops pending environmental review, the U.S. Supreme Court ruled June 21 (*Monsanto Co. v. Geertson Seed Farms*, U.S., No. 09-475, 6/21/10).

The Supreme Court ruled that an injunction barring the U.S. Department of Agriculture's Animal and Plant Health Inspection Service from even partially deregulating herbicide-tolerant alfalfa until it had completed a full environmental impact statement under the National Environmental Policy Act was too broad.

The court, in a 7-1 decision, also ruled that a further prohibition on the planting of the modified alfalfa seeds was similarly too broad. Justice Stephen Breyer did not participate in the consideration or decision of the case.

At issue was a decision by APHIS to deregulate the genetically modified alfalfa produced by Monsanto Co. and a ruling by the U.S. District Court for the Northern District of California that vacated the APHIS decision, barred the agency from deregulating the alfalfa without a complete impact statement, and banned any new plantings with the modified seeds.

Monsanto petitioned the Supreme Court to review the case, and the court said a more limited form of deregulation could have been appropriate.

The Supreme Court said the plaintiffs that challenged the APHIS decision—two conventional seed farms and a number of environmental groups with interests in food safety—failed to show that they would suffer irreparable harm from partial deregulation.

### **Partial Deregulation Possible**

The ruling means that APHIS can consider a partial deregulation. The agency could do a more limited environmental assessment and partially deregulate the alfalfa if it found no significant environmental impact.

The Supreme Court noted possibilities for partial deregulation with minimal impacts including limited geographic areas in which planting might be allowed, mandated isolation distances between fields with genetically modified and non-genetically modified crops, regulations governing harvesting and distribution, and enforcement mechanisms.

The sole issue before the court was the scope of injunctive relief.

The ruling leaves intact the district court's February 2007 finding that APHIS violated NEPA in not preparing an environmental impact statement before fully deregulating the alfalfa (*Geertson Farms Inc. v. Johanss*, 65 ERC 1023 (N.D. Cal. 2007)).

The ruling also leaves intact the district court's March 2007 decision to vacate the deregulation decision absent the impact statement (*Geertson Farms Inc. v. Johanss*, 65 ERC 1318 (N.D. Cal. 2007)).

Monsanto owns the patents to genetically modified alfalfa that tolerates the chemical glyphosate, used in the herbicide Roundup. Monsanto licenses these rights to Forage Genetics International, which exclusively develops the alfalfa seeds.

The genetically modified alfalfa was originally classified by APHIS as a regulated article under the Plant

Protection Act.

### **Monsanto Filed Petition**

Monsanto petitioned APHIS in 2004 to deregulate two strains of its Roundup Ready Alfalfa. APHIS issued a Finding of No Significant Impact under NEPA and decided to unconditionally deregulate Roundup Ready Alfalfa without conducting a full environmental impact statement to analyze the environmental impacts of its deregulation decision.

Geertson Seed Farms, Trask Family Seeds, the National Family Farm Coalition, Center for Food Safety, Beyond Pesticides, Sierra Club, and others filed a lawsuit in 2006 challenging the decision to deregulate. After the district court found APHIS violated NEPA, it allowed Monsanto and Forage to intervene in the remedy stage of the lawsuit.

Prior to the injunction, Roundup Ready Alfalfa was planted by approximately 5,500 growers across more than 220,000 acres, according to a statement issued by Monsanto June 21. Monsanto also said alfalfa is the fourth-largest crop grown in the United States with 23 million acres grown annually.

The Supreme Court's decision reverses a 2-1 ruling by the U.S. Court of Appeals for the Ninth Circuit that upheld the injunction (*Geertson Seed Farms v. Johanns*, 570 F.3d 1130, 69 ERC 1001 (9th Cir. 2009)).

The Supreme Court found that none of the four factors governing the entry of permanent injunctions supported the district court's injunction prohibiting partial deregulation. After the district court found the APHIS decision to fully deregulate the alfalfa violated NEPA, it should have been up to APHIS to decide whether or to what extent to pursue partial deregulation, the Supreme Court said. If APHIS pursued partial deregulation and a party was aggrieved, that party could bring a separate lawsuit to challenge that separate decision, the Supreme Court said in its decision.

### **Irreparable Harm Not Shown**

While the district court may have properly acted within its discretion in refusing to craft a judicial remedy that would authorize continued planting and harvesting of the alfalfa while an impact statement was being prepared, as APHIS suggested during the remedy stage of the trial, the Supreme Court said judicial review of any potential decision to partially deregulate the alfalfa in compliance with the requirements of the Plant Protection Act and NEPA was premature.

Most importantly, the Supreme Court said in its decision, the farms and environmental groups cannot show they will suffer irreparable injury if APHIS is allowed to proceed with partial deregulation, which may be tailored to minimize or remove potential environmental impacts and harms.

The Supreme Court found that because it was inappropriate for the district court to prohibit partial deregulation, it necessarily followed that it was inappropriate to prohibit plantings that would be in accordance with such legal partial deregulation.

Justice Samuel A. Alito Jr. wrote the opinion for the majority. Justice John Paul Stevens wrote a dissent arguing that the district court did not abuse its discretion in issuing the injunction after considering the voluminous record and having made the findings that it did.

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*By John H. Stam*

*Text of the U.S. Supreme Court's Monsanto Co. v. Geertson Seed Farms decision is available at <http://www.supremecourt.gov/opinions/09pdf/09-475.pdf>.*

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# Daily Environment Report<sup>TM</sup>

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Source: Daily Environment Report: News Archive > 2010 > June > 06/22/2010 > News > In Brief > Brownfields: EPA to Issue Revised Brownfields Grants Guidelines

**118 DEN A-13**

## ***Brownfields***

### **EPA to Issue Revised Brownfields Grants Guidelines**

The Environmental Protection Agency's brownfields grants program is proposing, for fiscal year 2011, a new version of guidelines for applying for grants, according to a notice to be published in the June 22 *Federal Register*. EPA will accept comments on the proposed revisions to Fiscal Year 2011 Brownfields Grant Guidelines for five working days. The agency expects to release a request for proposals by the end of summer 2010 based on the revised guidelines. Guidelines cover three types of brownfields grants: assessment grants, revolving loan fund grants, and cleanup grants. Comments should be addressed to Rachel Lentz at (202) 566-2745 or [lentz.rachel@epa.gov](mailto:lentz.rachel@epa.gov). Draft revisions to the grant guidelines are available at <http://www.epa.gov/brownfields/>.

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## LOCAL NEWS

# Worries arise as code in works

City leaders see potential for flood of applications for gas drilling permits

06:39 AM CDT on Monday, June 21, 2010

By Lowell Brown / Staff Writer

Denton city leaders are expressing renewed concern that natural gas drillers may rush to file permit applications to avoid the higher fees and more stringent regulations planned as part of an ongoing code overhaul.

But a temporary moratorium on new permits still seems to be off the table.

The council met last week to discuss ongoing revisions of Denton's gas drilling ordinance, which officials say are vital to protecting residents from noise and pollution associated with urban gas production. A public hearing and vote on the first phase of changes is scheduled for July 20, after a summer council recess, meaning companies have a month to file permit applications under the current rules.

What's more, city planning director Mark Cunningham said he's scrapped a proposal to shorten the life of drilling permits from one year to six months after learning state law says permits can't be valid for less than two years.

"We now have a month where we have the potential for permits to come in that will be good for two years ... and there's really nothing we can do about that at this point," Mayor Mark Burroughs said during the council discussion, which took place early Wednesday morning at the end of a 14-hour meeting.

City Manager George Campbell said the council could always call a special meeting, with three days' notice, to pass a temporary moratorium on issuing new permits.

Council member Dalton Gregory argued for some type of moratorium, but Burroughs said he'd prefer to try to meet before July 20 to pass an interim ordinance instead.

Such a meeting now seems unlikely.

The code changes still must go through reviews with outside attorneys and the council-appointed Planning and Zoning Commission. The legal review is ongoing, and a public hearing and vote before planning commission has been pushed from Wednesday to July 14.

## PROPOSED GAS CODE CHANGES

The Denton planning department is guiding an overhaul of the city's gas drilling ordinance. Proposals announced so far include:

- Significantly higher fees and new fees that city officials say would better recover their administrative costs and potentially fund new gas well inspectors. The exact amounts are being determined.
- A 1,000-foot setback between wells and "protected uses" such as homes, schools, churches, hospitals, libraries and parks; and a 500-foot setback for other uses. The setbacks could be reduced if all property owners in an affected area signed waivers or the applicant secured a variance from the council-appointed Zoning Board of Adjustment. The current code sets a 500-foot setback from residential structures, or a 250-foot setback with a waiver.
- New rules for noise. In most cases, drilling equipment couldn't exceed the noise level in the surrounding area by more than 5 decibels during the day or 3 decibels at night. The current code sets a

commission has been pushed from Wednesday to July 14,

Cunningham said in an e-mail to the Denton Record-Chronicle.

standard 90-decibel limit as measured from 300 feet from the drilling site's boundary.

"This will still keep me on track" for the July 20 council hearing, he said. "But as you can see, there is not much time between the two public hearing dates."

Even so, Burroughs said he still doesn't support a moratorium, which he considers a "punt."

"I would prefer to err to getting an ordinance on the books and modifying it along the way before we can get a final ordinance," he said.

Denton resident Cathy McMullen, who was active in the unsuccessful fight against gas drilling at the Rayzor Ranch development near homes, medical facilities and a city park, said a moratorium on issuing new permits is the logical answer to the city's dilemma.

"There needs to be a moratorium because gas drillers are going to rush to beat the fee increases," she said.

Last month, the Flower Mound town manager implemented an administrative moratorium to prevent a flood of applications while town leaders considered their own code changes.

Denton city officials say they're unsure of the legality of such a move.

"I've never heard of an administrative moratorium," Burroughs said, echoing comments made by Campbell and City Attorney Anita Burgess at last week's council meeting. "That sounds like something I would have to know a lot more about before I was conformable with a manager making policy decisions like that."

In April, Denton council members told city staff to compile the toughest gas drilling regulations from other cities that had not been challenged in court as a basis for a new ordinance.

They also asked to fast-track the overhaul, first proposed last year, out of fears that companies would rush to file for permits under existing rules.

Cunningham has proposed a two-phase code update, with the first focusing on permit fees, noise levels at drilling sites, and the required setbacks and screening between gas wells and structures such as homes and schools.

Other issues — including many dealing with pollution and environmental testing — would be handled during the second phase, which has no firm timetable, officials have said.

Gregory, one of the council's most vocal advocates for stricter drilling rules, said he's frustrated the process is moving so slowly.

"I think it's moving in the right direction for sure, but I'm anxious about it because I know that since we first mentioned the need for revisions, back in early December, we've had five more gas wells come in," Gregory said. "So it's really important that we nail some things down."

Among his priorities, Gregory said he wants to charge operators "reasonable" fees to cover air and soil tests to see whether gas drilling — and the related practice of hydraulic fracturing — is polluting the environment. The city proposal is expected to include a host of increased or new fees, some still to be determined based on an

ongoing cost-of-service study.

“We have annexed an awful lot of folks who live in rural settings and who depend on well water as their drinking water,” Gregory said. “Now that they’re in the city limits, they need to benefit from being in the city limits, and one of the benefits that they can have is for us to have stronger ordinances.”

McMullen, who attended part of the council’s discussion last week, said she was shocked to see that city planners based their proposal partly on codes in Corinth and Flower Mound.

“I almost had a heart attack,” she said. “Corinth and Flower Mound both have moratoriums because their ordinances are so outdated [that] they’re updating them.”

A group of residents including McMullen had urged the council to consider codes in Southlake and Colleyville, which she said fit the council’s call for strong regulations that wouldn’t invite industry lawsuits.

But Southlake and Colleyville were not among the seven cities used for comparison in Cunningham’s slide presentation last week.

“I’m hoping that there’s room for negotiation with them,” McMullen said. “I’m hoping that this is not something that’s just presented to the council and it’s just accepted on face value.”

Denton resident Elma Walker, who was part of a group that recently succeeded in pushing proposed gas wells farther from homes in the Robson Ranch retirement community, said she’s glad the council is finally moving forward with stricter noise and setback rules. In the end, though, the city can only do so much because the state is primarily charged with regulating the oil and gas industry, she said.

“Until the state is more supportive, it puts the city in litigious situations if they don’t recognize their limitations,” Walker said. “So that’s the problem. The state, specifically the [Texas] Railroad Commission, needs to adjust their thinking and consider the possibility that maybe some of the procedures they [drillers] are using have some deleterious effects on human beings.”

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# Dish Mayor Calvin Tillman says natural gas drilling is polluting his town

12:00 AM CDT on Monday, June 21, 2010

By WENDY HUNDLEY / The Dallas Morning News  
[whundley@dallasnews.com](mailto:whundley@dallasnews.com)

As mayor of Dish, Calvin Tillman presides over a two-square-mile patch of Denton County flatland and about 180 residents. But this small-town mayor has become a central figure in the national debate over gas drilling.

"We shouldn't get picked on just because we're a small town," said Tillman, a trim, slightly built man whose unflinching criticism of gas drilling operations has put him in the crosshairs of the powerful energy industry and turned him into a celebrity crusader for safer drilling practices.

He recently returned from a speaking tour in Pennsylvania and New York that included stops at [Temple University](#) and [Manhattan's](#) Cooper Union. He's become a one-man public relations firm, churning out a steady stream of press releases that often end up as newspaper stories or on 10 p.m. newscasts. He's been interviewed by the national press and even asked to do product endorsements.

Tonight he'll appear in *Gasland*, a Sundance award-winning documentary on gas drilling that will premiere at 8 p.m. on [HBO](#).

To some, he's an environmental hero.

"He's a very courageous person. He spoke out about the industry when many people were afraid to," said Tammi Vajda, a member of Flower Mound Citizens Against Urban Drilling. "That wasn't an easy thing to do a year or two ago when many people were still thinking that gas drilling was the greatest thing that ever happened to North Texas."

But others characterize him as an extremist who uses invalid data and hype to promote his anti-drilling agenda.

"He is all façade," writes Gene Powell, publisher and editor of the Powell [Barnett Shale](#) Newsletter.

The 37-year-old mayor dismisses the criticism, saying he's just standing up for residents in the small town that's become, rightly or wrongly, a symbol of the health risks of gas production.



SONYA N. HEBERT/DMN  
**Mayor Calvin Tillman** is a critic of gas drilling near Dish and has been speaking around the country about the impact on his town.

## Name change

Until recently, Dish was known for something far less serious. In 2005, the town garnered national headlines and a good deal of ridicule for changing its name from Clark to Dish to get free satellite service.

That was about a year before five pipeline, drilling and distribution companies built a natural gas compressor station on the edge of town.

The 30-acre site now has four metering stations and 11 compressors that compress the gas and move it along a series of underground transmission lines that crisscross Dish.

"It was in no man's land," Tillman said of the site chosen for one of the largest compressor stations in the Barnett Shale. "They didn't think anyone was going to make a fuss."

At first, residents began noticing a sulfurous stench. Then they began complaining of headaches, nausea, respiratory problems, eye irritation and other ailments.

Tillman said industry officials tried to blame the problems on other sources of air pollution.

"But there's nothing here," he said. "There's no industrial area here."

Finally, the Dish Board of Commissioners decided to spend 15 percent of the town's \$70,000 annual budget to fund an air quality study.

In September, Wolf Eagle Environmental released the study that showed elevated levels of benzene and other carcinogens. A subsequent survey, by the nonprofit Earthworks Oil and Gas Accountability Project, found that 61 percent of the health problems reported by 31 Dish residents were linked to toxic air emissions.

But the Dish studies have been criticized as unreliable, and Wolf conclusions have been called exaggerated and speculative.

A subsequent air study by the Texas Commission on Environmental Quality found nearly a quarter of the North Texas sites in the Barnett Shale had levels of benzene but concluded there were no widespread air quality issues. The Texas Department of State Health Services found the levels of toxins found in Dish residents was similar to those of the general U.S. population.

Critics say Tillman ignores findings that don't support his views about the harmful effects of gas operations.

"The TCEQ science isn't good enough for him," said Charles Yarbrough, vice president of rates and regulatory affairs with the pipeline division of [Atmos Energy](#) Corp.

## Questioning Tillman

Others question whether Tillman represents the majority of Dish residents.

Ed Ireland, executive director of the Barnett Shale Energy Education Council, notes that health department officials canvassed the town, but only 27 people, besides Tillman and his family, supplied blood and urine samples for the study.

"If all the residents were as concerned as Mayor Tillman, why were there only 27 other people?" Ireland said.

Industry blogs and websites attack Tillman as a frontman for radical environmental and lobbying groups and raise questions about who's bankrolling his multistate speaking tours.

Some have speculated that he plans to launch a campaign for the Railroad Commission of Texas. Dish has been threatened with a lawsuit over a public information request that Tillman considers a ploy to harass the town and eat up its resources. He was once barred from a tour of a Chesapeake Energy facility that was open to other public officials in his group.

Tillman said he's spent \$2,500 of his own money to speak in cities in the Marcellus Shale, another large natural gas field in the Northeast. He denies that he has other political aspirations and characterizes himself as politically conservative.

But he doesn't deny that he's skeptical of the close ties between industry officials and regulators that, he says, could taint state-sponsored studies.

"I don't think there's a person in our state government willing to say there is some potential harm that could come from one of these facilities," said Tillman, who has called for tougher regulations and a Barnett Shale drilling moratorium.

"In Pennsylvania, if you drill a gas well, you assume liability for any water well within 1,000 feet," he said. "Not in Texas. Nobody enforces the laws in Texas."

Despite their differences, many industry officials voice respect for Tillman and say he's someone they've been able to work with.

"I think he's an honest and sincere individual," said Patrick Nugent, executive director of the Texas Pipeline Association.

Yarbrough said Tillman was a key member of a small working group that formulated a set of "best practice" pipeline routing standards.

"Calvin is a very good person and has the right intentions," Yarbrough said.

Effective methods

Tillman's methods have been effective.

The town's air quality studies, widely publicized by the mayor, got the attention of state officials who promised to make the small town their top priority.

In recent months, Tillman said he's seen dramatic improvements.

The Texas Commission on Environmental Quality installed a permanent, 24-hour monitoring station that tests the air for a wide range of pollutants, including benzene, toluene and ethane. Residents can track hourly averages through a link on the town's website ([www.townofdish.com](http://www.townofdish.com)).

"It's cleaned up a lot over the past six months," Tillman said. "The benzene has decreased dramatically."

But problems persist. Over [Memorial Day](#) weekend, one of Tillman's children suffered a serious nosebleed in the middle of the night, when the monitoring station often shows spikes in airborne chemicals. The incident prompted Tillman to announce on his blog that he would leave Dish rather than risk the health of his children.

"It is very clear that our state agencies are only in existence to protect the industry, not the general public," he wrote on the blog.

On June 6, Tillman issued a press release about grayish sediment showing up in a Dish family's private well water after Devon Energy constructed three gas wells 600 feet from their property line.

The company has declined to comment pending state testing results.

"Devon Energy needs to fix this," Tillman said, holding a plastic bottle filled with a murky liquid that came out of the family's water faucet.

"If Devon is not going to fix this, I need to get a municipal water line to this house."

Despite his unrelenting criticism of the industry, Tillman says he supports gas drilling as long as it's done safely and responsibly.

"Critics say I'm an environmental wacko kook who's anti-drilling," Tillman said. "I'm pro-drilling, and if they'd take some of my suggestions, they could explore the minerals and thrive doing it."



# Star-Telegram

## Gas drilling sites near Cowboys Stadium stir concern in Arlington

Posted Sunday, Jun. 20, 2010

BY BILL HANNA

[billhanna@star-telegram.com](mailto:billhanna@star-telegram.com)

ARLINGTON -- For drilling opponents, the approval of a well site near Cowboys Stadium and another expected to be approved next week are signs of how far Arlington's city leaders have gone to embrace urban gas drilling.

Not only does placing a drill site within 3,000 feet of the \$1.2 billion stadium raise safety issues for the fans, neighborhoods and a nearby hospital, opponents say, it takes away from efforts to maximize Arlington's entertainment district.

"It doesn't make sense to me to invest in this kind of infrastructure and then turn around and do this," Arlington resident Faith Chatham said. "Yeah, you might get some royalties, but at what cost?"

The City Council voted June 8 to approve the Truman Street drilling site near East Division and North Collins streets. The site, the closest to Cowboys Stadium so far, is 2,796 feet from the stadium's west doors.

The well site, now a vacant lot, is sandwiched between a motel, a car lot and other commercial businesses.

The other proposed drill location, known as the Ross Trails Site near the 1100 block of North Center Street, was tabled at the driller's request June 8 but is on Tuesday's council agenda. It is 4,400 feet from the stadium.

Chatham notes that the Ross Trails site is not far from the Center Street Bridge over Interstate 30, part of the Three Bridges project that is supposed to be one of the gateways to Cowboys Stadium and the entertainment district. Single-family residences and some commercial development are nearby.

Chatham said the Center Street site could be a blight on the area and a potential safety hazard for the stadium and Arlington Memorial Hospital, which is several blocks away. She said she believes that if there was an explosion, the hospital and stadium could be cut off from each other.

### 'A stretch'

Councilman Mel LeBlanc, whose district includes both drill sites, called it "a stretch" to connect the Ross Trails site to Cowboys Stadium, adding that drilling rigs are in and out in a matter of weeks.

LeBlanc, a staunch supporter of gas drilling, said that the safety risks are minimal and that there is no conclusive proof that gas drilling is fouling Arlington's air. He suggests that the hordes of trucks working on the I-30 project have done more to cause air quality problems than drilling.

"When you look at the empirical evidence, you don't see what they're complaining about," LeBlanc said. "I think they're barking up the wrong tree when they pick out drill sites as culprits of bad air."

He said the critics are a "very vocal minority" who have adopted a zero-tolerance stance toward gas drilling and predict the most extreme, catastrophic outcomes.

"I've heated my house for 30 years with natural gas, and I don't worry about it being piped into my house. But under their line of thinking, I should be," LeBlanc said. "They're saying *when* the gas well blows up it's going to cut off the hospital from the stadium because it's so close to the well site. ... Some of their arguments are so crazy it's sometimes hard to keep a straight face."

Dallas Cowboys spokesman Brett Daniels said team officials have no qualms about the city's drilling plans.

"We have been in communication with the city and feel good about what we have been told by them regarding those topics," Daniels said by e-mail.

### Air quality

Another gas drilling critic, Kim Feil, said the city's latest draft of a revised drilling ordinance essentially ignores air quality.

"When we try to talk about concerns about air quality, they stick with the subject matter of landscape and economics," said Feil, who's become known for rapping about drilling issues before the council.

"They talk about the sense of sight and the sense of sound, but nobody is talking about the sense of smell and what people are inhaling as  
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Barnett Shale | Dallas Business, Texas...

a result of gas drilling," Feil said.

Despite her criticism, Feil signed a gas lease after she and her husband were told by a landman that drilling would happen in their neighborhood regardless of whether they participated. She said she plans to use the gas revenue on an air-filtration system for her home.

Feil also remains frustrated that many renters in the area are left in the dark about proposed drill sites.

The latest draft of the revised gas well ordinance talks about extending notifications as far as 1,000 feet from the drill site but still leaves the question of how renters will learn about these issues.

Darren Groth, Arlington's gas well coordinator, said finding ways to notify renters has been discussed. But he noted that Arlington already informs the public by placing a sign at the proposed site, mailing a notice to property owners, posting notices at City Hall, running an advertisement in the newspaper and placing a notice on the city's website.

LeBlanc isn't opposed to finding another way to notify renters but insists that the overwhelming majority of Arlington residents approve of gas drilling by pointing to the large number who have signed gas leases

"I think its incumbent on apartment managers to notify people," LeBlanc said. "I think they're in a better position to do it than the city, but maybe we should look into as part of a more extensive notification system. But we would be doing it strictly as a courtesy."

BILL HANNA, 817-390-7698

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## 1. **NATURAL GAS: In fracking debate, 'disclosure' is in the eye of the beholder** (06/21/2010)

**Mike Soraghan, E&E reporter**

In the intense but inscrutable debate about the chemicals that drillers inject underground to flush out natural gas, this much can be said: Everyone is for disclosure.

But there's no agreement on what "disclosure" means when it comes to the oil and gas process called hydraulic fracturing, or fracking. And that means they disagree on nearly everything.

Fracturing -- vital to extracting gas from shale formations -- involves injecting tanker-loads of water and sand into a gas well to blow apart the rock and release the gas. A small fraction of that concoction is a mixture of chemicals as mundane as ice cream thickener and as toxic as benzene.

Worried that those chemicals could contaminate groundwater, environmentalists, community groups and some Democratic lawmakers are demanding detailed, well-by-well information about the type of chemicals that drillers inject. And they want it put on the Internet for all to see.

"Disclosure would shine a light and encourage companies to use less toxic chemicals," said Amy Mall, an analyst who works on fracturing issues for the Natural Resources Defense Council. "It gives individuals the ability to know what's being used."

Companies say they, too, are for full disclosure of the ingredients, but only to state regulators and medical personnel willing to sign confidentiality agreements. Making public detailed lists of chemical constituents, they say, gives away valuable trade secrets. And they see the drive for disclosure as a stalking horse for harsh new restrictions on drilling that would bog down gas production in the United States.

"Our position is, 'We do support it.' It's a question of what legal channel you're using to get disclosure," said Chris Tucker, a spokesman for Energy in Depth, an industry group formed to fight federal regulation of fracturing. "But we believe there's a lot more information out there than you think right now."

The vastly different interpretations of disclosure could lead to confusion among policy makers as they get into the weeds of climate and energy bills. Some Democrats in Congress have stepped up their efforts to regulate fracturing under federal law as Congress prepares for an end-of-session rush of energy legislating.

The Senate climate bill authored by Sens. John Kerry (D-Mass.) and Joe Lieberman (D-Conn.) would order fracturing companies to post the worker-safety documents for the chemicals on the Internet ([E&E Daily](#), May 12).

In the House, Rep. Diana DeGette (D-Colo.) has pending legislation to rescind fracturing's exemption from regulation under the Safe Drinking Water Act. Her bill (H.R. 2766) would also require companies to tell regulators the "chemical constituents" in their fracturing fluid, but not the formula for how those chemicals are mixed together. The legislation would order regulators to make those ingredients public by publishing them on the Internet.

At a recent hearing, DeGette proposed an amendment that would have included the disclosure portion of her bill. She then withdrew it, saying she planned to negotiate the issue further with industry representatives ([Greenwire](#), May 26).

Many industry executives say they support full disclosure. But they don't believe that means a well-by-well list of the chemicals injected underground.

For example, Chesapeake Energy Chairman and CEO Aubrey McClendon shook up the industry last year with a call for transparency.

"We as an industry need to demystify [hydraulic fracturing]," McClendon told an energy conference in September. "We need to disclose the chemicals that we are using and search for alternatives to the chemicals we are using" ([Greenwire](#), Oct. 1, 2009).

But Chesapeake doesn't have a policy mandating disclosure to the public of the chemicals used in each well.

Company spokesman Jim Gipson noted that the ingredients are listed in the worker-safety documents called "material safety data sheets," or MSDS, posted at each well site. In addition, the company has listed "typical" fracturing ingredients on its website.

"As an operating company that obtains fracturing services from a number of different vendors, we have disclosed what we can," Gipson said. "I don't know much more that we can do."

## Debate over data sheets

The industry firmly agrees that MSDS documents amount to full disclosure, though some oil and gas industry representatives don't like being singled out with an order to post them online.

"Easily the most mischaracterized and misunderstood element of the debate over hydraulic fracturing, some in Congress seem to believe that the slight percentages of chemical additives found in the water- and sand-based fracturing solution are secret -- and further, that industry continues to resist the disclosure of these elements," Lee Fuller, executive director of Energy in Depth, wrote to lawmakers in March. "Neither assertion is true" ([E&E Daily](#), March 24).

Fuller, who is also vice president of government relations at the Independent Petroleum Association of America, continued, "The materials used in the fracturing process are widely disclosed. At every well site in America where chemicals are present, you'll find a detailed listing of those materials printed and maintained on Material Safety Data Sheets (MSDS), which are mandated by the federal government. MSDS are searchable online. Additionally, several states and industry organizations, such as Energy in Depth, have provided information on their websites describing the kinds of additives used in the fracturing process, as well as their purpose."

Exxon Mobil Corp. cited the MSDS documents in fending off a stockholder proposal demanding more information about fracturing. The company said "there is public disclosure" of chemicals at fracturing sites because the MSDS are posted on-site. The board of directors also said that the chemicals used can be found on the company's websites. The stockholder proposal was voted down in May ([E&ENews PM](#), May 26).

Halliburton, a major provider of services for the oil and gas industry, posts MSDS for each of its products on its website, but does not list where the products have been used. Another large servicer, BJ Services, does not post the MSDS on its website.

The MSDS documents are what the Kerry-Lieberman climate and energy bill orders posted to the Internet, saying that will "provide adequate information for the public and State and local authorities."

But the NRDC's Mall said the information on the worker safety documents isn't adequate. They lack crucial information, she said, namely, the ingredients of fracturing fluids.

"Bottom line, they don't have all the information," Mall said. "They're certainly not sufficient to inform a landowner worried his water has been polluted."

MSDS are designed for workplace safety, not the protection or monitoring of groundwater. The Occupational Safety and Health Administration requires the sheets to be posted in workplaces so employees and employers understand the hazards of the chemicals they're working with.

Additionally, MSDS are not public records kept on file by federal officials. Instead, the companies are required to maintain the records for 30 years. And manufacturers don't have to disclose chemical ingredients if they're a trade secret.

The MSDS documents are online only if the company decides to post them. If pollution were found years after well was fractured, there's no guarantee in some states that authorities would have a list of the chemicals used.

For example, Halliburton's website includes the MSDS for "frac fluid with additives" among the data sheets for all of its other products. Nowhere on the sheet does it list what the additives are. The sheet lists no chemical ingredients. Its toxicity and carcinogenicity are listed as "not determined." A bottle of Coca-Cola, by comparison, lists at least one chemical, phosphoric acid.

Halliburton spokeswoman Teresa Wong said the MSDS "does not list any specific chemical ingredients because the product contains no hazardous substances."

Another MSDS for Halliburton's HAI-OS acid inhibitor lists chemicals, methanol and propargyl alcohol, which are often found in antifreeze. Workplace safety rules say workers should not be exposed to more than 1 part per million of propargyl alcohol during an eight-hour work shift.

## Omitting details

Some environmentalists question the assertion that all fracturing chemicals are disclosed in MSDS documents.

The Endocrine Disruption Exchange, an environmental group that has been highly critical of fracturing and gas production methods, assembled the names of 435 fracturing chemicals and determined that only 36 percent of them had no MSDS documents. Of the 282 that did have MSDS, three listed no ingredients, while 32 disclosed more than 95 percent of the product ingredients. Also, the group said, the sheets don't have to be submitted to regulators for verification.

Even when companies list fracturing fluid ingredients on their websites, they sometimes omit key details.

On its website, Energy in Depth lists one of the most controversial ingredients in fracturing simply as "petroleum distillate," which, the site notes, is used in "Make-up remover, laxatives, and candy." Chesapeake's site says it is "Used in cosmetics including hair, make-up, nail and skin products." Some distillates are also used to make candy like gummy bears.

But "petroleum distillates" are essentially anything distilled from crude oil. According to a [guide](#) produced by Purdue University and EPA, they can also include flammable toxins and carcinogens like naphthalene, benzene and kerosene.

Chesapeake's Gipson said his company's chart refers to "aliphatic hydrocarbons." That can include methane, propane and kerosene. He said the company used the more generic term because that is what is generally listed on MSDS documents.

Range Resources, whose chairman, John Pinkerton, also called for disclosure last year, has a somewhat more expansive view of disclosure than most other companies.

"We'll list specific quantities," said Range spokesman Matt Pitzarella. "You know exactly what we're using and how much."

The company distributes a fact sheet that lists the amounts of chemicals it uses. For example, the chart indicates that the company uses methanol or propargyl, "diluted at two gallons per 1,000 gallons of water."

But the chart notes that "individual wells may vary based on geologic and other conditions," and it offers no way for a neighbor to find out specifically what chemicals were used in a nearby well.

## East vs. West

Fracturing has been an important drilling technique for decades in conventional drilling, often used to increase production from a well or flush the remnants out of an old well.

But it is the only way to extract gas from concrete-like shale formations like the Marcellus Shale, which runs through Appalachia from West Virginia to New York. The vast shale reserves found there have brought drillers to places like Pennsylvania and New York, where residents aren't as comfortable with drilling as Westerners and are less hostile to regulation.

Over the years, state regulators' methods of handling disclosure have evolved in very different ways. Regulators mix and match from different layers of disclosure and the different constituencies allowed access to the information.

Wyoming's Oil and Gas Conservation Commission decided earlier this month to order drillers to report the chemicals used in hydraulic fracturing to commission staff, the first such requirement in the nation. But the measure specifically shields the information from the public. Gov. Dave Freudenthal (D) directed the agency to draft the rules as a way to assure federal officials that Wyoming adequately regulates fracturing ([Greenwire](#), June 9).

Colorado, which overhauled its oil and gas laws in 2007, requires companies to maintain a well-by-well chemical inventory for the life of the well plus five years. Companies don't have to file the list with state regulators, but are required to provide it to the Colorado Oil and Gas Conservation Commission if asked. The agency can share the information with health officials, or a treating physician, subject to a confidentiality agreement. The inventory can be shared more broadly if the company does not request trade secret protection.

The Pennsylvania Department of Environmental Protection requires MSDS to be attached to every drilling plan, said Tom Rathbun, spokesman for the agency, and be available to landowners, local governments and emergency responders.

The agency posts online a [list](#) of the chemicals each major company uses in fracturing, but those relying on it might still want to do more homework.

The agency's website notes that one of the chemicals BJ Services uses is "hydrotreated light distillate." The U.S. Department of Health and Human Services' [Household Products Database](#) lists hydrotreated light distillate as a synonym for kerosene.

There is disagreement among different regulators and company officials on the value of posting "typical" or even company-by-company information on websites, as opposed to a well-by-well inventory of chemicals.

Pennsylvania's Rathbun said that each company uses the same ingredients in each of its wells. But Chesapeake's Gipson said the chemicals used vary between each site, and are often changed as the crews fracture the wells. And Range's Pitzarella said, "In some instances, you may not know specific amounts until you're doing it."

### 'Foot in the door for EPA'?

Energy in Depth's Tucker said the group's members wouldn't necessarily oppose calls for additional disclosure, but that efforts to impose those requirements as part of the Safe Drinking Water Act are a non-starter for drillers -- suggesting that production could be shut down for months or years while U.S. EPA writes regulations.

"The question isn't the level of disclosure, it's the venue," Tucker said.

But Tucker maintains that the ultimate goal of those who say they want more disclosure is strict federal regulation and the curbing of gas production in the United States.

"I don't think the NRDC is spending millions on this because they want a longer inventory sheet," Tucker said.

The NRDC's Mall said she doesn't see disclosure driving more regulation, because the broad range of chemicals is already public.

"Industry is portraying it as a foot in the door for EPA," Mall said. "But asking for disclosure is not part of a strategy to get more regulation."

[Click here](#) to read Purdue University and EPA's guide to chemicals.

[Click here](#) to read the Pennsylvania Department of Environmental Protection's list of chemicals major companies use in fracturing.

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## Valero cleans coker unit on East Plant

By Fanny S. Chirinos

Originally published 01:33 p.m., June 21, 2010

Updated 01:41 p.m., June 21, 2010

CORPUS CHRISTI — Valero Energy Corp. is performing scheduled maintenance on its East Plant coking unit.

The work, which began Sunday, is expected to take several days, a spokeswoman said.

Crews will be cleaning the heater tubs of residue from petroleum coke, a refining byproduct. Such maintenance is performed once or twice a year, said Lillian Riojas, a Valero spokeswoman.

The work should not produce any flaring or noises, she added. The unit's shutdown was expected to release of an estimated 400 pounds of hydrogen sulfide, 400 pounds of nitrogen oxide, 5,000 pounds of sulfur dioxide, carbon monoxide and volatile organic compounds, according to the refiner's filing with the Texas Commission on Environmental Quality.



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# Star-Telegram

## Controversial gas-drilling documentary premieres tonight on HBO

Posted Sunday, Jun. 20, 2010

BY AMAN BATHEJA

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FORT WORTH -- Critics of natural gas drilling in the Barnett Shale will see their cause get some national attention tonight when a scathing, award-winning documentary premieres on HBO.

*Gasland* depicts filmmaker Josh Fox's odyssey across the country to document the downside of gas drilling.

The film could bolster efforts to strengthen regulation of natural gas drilling in Texas and other states as well as at the federal level.

But industry groups say *Gasland* shouldn't even be considered a documentary.

"The movie is short on fact and long on innuendo," said Ed Ireland, executive director of the Barnett Shale Energy Education Council.

Last month, *Gasland* was screened at the Modern Art Museum of Fort Worth as part of a fundraiser for the Texas Oil & Gas Accountability Project, an advocate for stronger environmental protections on drilling.

State Rep. Lon Burnam, a Fort Worth Democrat who has called for a moratorium on drilling until questions about safety are properly investigated, told the crowd to urge their elected officials to watch the film's HBO premiere.

"The film tonight, I think, is really going to drive home that we've got some serious problems," Burnam said.

Fox, a filmmaker and theater producer, was offered a signing bonus of more than \$90,000 to allow drilling under the 19 acres he owns in northeastern Pennsylvania. The offer, which he never accepted, caused him to wonder how drilling might affect the area.

"From 1972 until now, my whole life, all this has been protected," Fox narrates as the camera focuses on a tranquil, bubbling stream near his house.

Fox's journey takes him to Pennsylvania's Dimock Township, whose groundwater was contaminated after Houston-based Cabot Oil & Gas Corp. drilled in the area without proper casings. Cabot agreed in April to stop drilling in Dimock for a year, plug three wells that the state deemed defective and pay a \$240,000 fine.

Fox soon heads to shale gas plays in Colorado, Wyoming and other states. Residents near natural gas wells show him contaminated water and livestock suffering from bald spots. They talk about health problems that they believe that drilling caused.

"We were always after something that would have national exposure," Fox said.

*Gasland* has attracted a host of positive reviews and won a special jury prize at this year's Sundance Film Festival. After the HBO premiere, Fox will hold screenings nationwide this summer. He also promised a theatrical release this year but declined to name the distributor.

Energy in Depth, a coalition of natural gas and oil producers, has criticized *Gasland* and posted on its website, [www.energyindepth.org](http://www.energyindepth.org), a list of statements from the film that it says are misleading or inaccurate.

"His objective with this film is to shock, not enlighten. And as a work of stylized fiction, the piece achieves that end," Chris Tucker, the group's spokesman, wrote in an e-mail.

### Trips to Texas

Fox made two trips to Texas, but the resulting footage takes up less than 10 minutes in the film shown last month in Fort Worth. The segment focuses on interviews with drilling critics Calvin Tillman, the mayor of Dish, and Al Armendariz, a regional administrator with the Environmental Protection Agency. At the time of his interview with Fox, Armendariz was an engineering professor at Southern Methodist University studying how much pollution is being produced by drilling in the Barnett Shale.

"Texas was the first place I came after Pennsylvania," Fox said.

Don Young, an opponent of gas drilling in Fort Worth, allowed Fox to sleep on his floor during his first visit here.

"I didn't know Josh. My friends from Pennsylvania had sent him here," Young said. "At that point, I don't think he was really sure what his film was going to be."

Young's interviews didn't make the final cut of the film but will be included as extras on the DVD, Fox said.

Young said he hopes the film will elevate the arguments for beefing up the regulation of urban gas drilling.



"It's very difficult to get support in a place like Fort Worth, which is very conventional and conservative," Young said. "I think we're finally getting through to people."

### Flaming faucets

*Gasland* isn't the first documentary about the current boom in natural gas drilling, but it appears to be getting the most attention. In one of the most striking sequences, homeowners in Colorado set their faucets on fire by holding a flame to the running water.

Cases of methane have been documented in residential water in New York, Colorado, Ohio and Pennsylvania. Some cases have been tied to natural gas drilling, according to state officials. Others have been linked to underground pockets of methane seeping into water wells naturally.

Fox attributes most of the contamination and health problems he found to hydraulic fracturing, in which gas companies blast water mixed with chemicals down a well at enough pressure to crack open the formation and unlock the natural gas.

Fox said he hopes to translate the film's success into a national movement in support of increasing the regulation of hydraulic fracturing.

"What the natural gas industry is doing is destructive to our land, to our water, to our air and, importantly, to our democracy," Fox said.

Ireland said the film blames hydraulic fracturing for ills but offers no real proof.

"It was just these images that were interlaced with images of natural gas drilling rigs, and so there was supposedly a connection," Ireland said.

Wilma Subra, a Louisiana chemist and environmentalist who has studied the impact of natural gas drilling in the Barnett Shale and elsewhere, was interviewed in the film about her research. She said she was pleased with the final product.

"I think it's a very accurate depiction of what's really going on out there," Subra said.

AMAN BATHEJA, 817-390-7695

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## The Chinese Drywall Complaint Offers To Assist Any Homeowner From Florida-Texas Discover If They Have Chinese Drywall--Emphasis Knauf

Posted on : 2010-06-21 | Author : PRWeb

News Category : PressRelease

*The Chinese Drywall Complaint is offering to assist, and help homeowners discover if their home, or subdivision contains toxic Chinese drywall. The Group is saying, "if you live in a home built, or remodeled between 2004--2007 in Florida, Louisiana, Alabama, Mississippi, or Southeast Texas, we will walk you through a pretty simple process to discover if you have Chinese drywall, or a specific type of Chinese drywall called Knauf Tianjin." The group says, "if you are on your second, or third AC coil, if you are having electrical issues, all combined with some, or all of your family are sick, we will walk you through the steps involved to see if you have toxic Chinese drywall, or more importantly Knauf Tianjin toxic Chinese drywall." The Chinese Drywall Complaint Center is offering this service at no cost to the homeowner. For more information please contact the Chinese Drywall Complaint Center at 866-714-6466, or contact the group via its web site at [Http://ChineseDrywallComplaintCenter.Com](http://ChineseDrywallComplaintCenter.Com)*

(Vocus) June 21, 2010 -- The Chinese Drywall Complaint Center is trying to create a real sense of urgency for all homeowners in Florida, Louisiana, Alabama, Mississippi, and Southeast Texas discover if they have toxic Chinese drywall in their home, and more importantly, if its a specific type of toxic Chinese drywall called Knauf Tianjin. The time frames for toxic Chinese drywall in the US probably go back as far as 2001, to early 2009. However, Knauf Tianjun was probably only used from sometime in 2004-2007. So what is the big deal about Knauf Tianjin Chinese drywall? According to the Chinese Drywall Complaint Center, "while Knauf Tianjin might only be 10% of the total US toxic Chinese drywall disaster in the US-we believe because it was intermixed with US made drywall-in Florida alone there probably is over 100,000 homes with this toxic building product." The group says, "add in Louisiana, Alabama, Mississippi and especially Southeast Texas & we think there could be 100,000's of homes in the US Southeast with Knauf Tianjin Chinese drywall." They say, "bottom line in all of this is we fear Knauf will be the only Chinese drywall manufacturer to actually pay significant damages for each completely innocent US homeowner stuck in the worst environmental disaster for US homeowners in history." For more information please contact the Chinese Drywall Complaint Center anytime at 866-714-6466, or contact the group via its web site at [Http://ChineseDrywallComplaintCenter.Com](http://ChineseDrywallComplaintCenter.Com)

The Chinese Drywall Complaint Center is saying,"to date the Federal Court in New Orleans has only identified less than 4000 homeowners with Knauf Tianjin Chinese drywall. We fear in Florida alone there are over 100,000 homes with Chinese made Knauf Tianjin drywall." The group says, "add in undiscovered toxic Chinese drywall homes in Louisiana, Alabama, Mississippi, and especially the Houston & Austin metro areas of Southeast Texas-and we could be talking 250,000+ homes with Knauf Tianjin." The Chinese Drywall Complaint Center says,"if a homeowner suspects they have Chinese drywall in their Florida home, their Alabama home, their Louisiana home, their Mississippi home, or

the Southeast Texas Houston, or Austin home-we will work with them to see if they have toxic Chinese drywall, and we will do everything possible to see if its Knauf Tianjin." But time is running out to get identified. For more information please contact the Chinese Drywall Complaint Center anytime at 866-714-6466-or contact the group via its web site at [Http://ChineseDrywallComplaintCenter.Com](http://ChineseDrywallComplaintCenter.Com) Symptoms of toxic Chinese drywall in homes in Houston, Austin, Louisiana, North Florida, Central Florida, South Florida, South Carolina, Florida, North Carolina, Georgia, Alabama, Mississippi, Virginia, or Southeast Texas include: repeated air conditioning coil failures, within two years of the home being built. In addition to air conditioning coil failures, toxic Chinese drywall in the US Southeast may cause appliance failures, light bulbs burning out prematurely, copper turning black, combined with all, or some of the family are experiencing seemingly never ending upper respiratory issues, nose bleeds, severe headaches, unexplained very unusual rashes, especially in the late spring, or summer. The time frame for Knauf toxic Chinese drywall in the US Southeast is 2005-2007. The Chinese Drywall Complaint Center is saying, "We think the worst effects of toxic Chinese drywall in the US Southeast occur in from mid April—mid October because of high heat combined with high thresholds of humidity-the Knauf Chinese drywall to us is critical--because we need to get these homeowners identified now." For more information please contact the Chinese Drywall Complaint Center anytime at 866-714-6466, or contact the group via its web site at [Http://ChineseDrywallComplaintCenter.Com](http://ChineseDrywallComplaintCenter.Com)

Like most of the US, the Chinese Drywall Complaint Center is extremely disappointed the Obama Administration has been such a disconnected miserable failure with respect to the BP Deepwater Horizon oil spill disaster. They say, "we have had the White House phone number on our web site since March of 2009 related to toxic Chinese drywall & 100,000's of completely innocent US Homeowners. President Obama has yet to comment on toxic Chinese drywall one time since taking office?" The group says further," the President's absolutely worthless US Consumer Products Safety Commission has yet to recall one sheet of toxic Chinese drywall, and most importantly the US Centers For Disease Control has yet to offer health care professionals in the US Southeast with treatment protocols for exposure to toxic Chinese drywall-these homeowners have Children!" [Http://ChineseDrywallComplaintCenter.Com](http://ChineseDrywallComplaintCenter.Com) (United States District Court-Eastern District of Louisiana MDL Case #2047)

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# Dallas dairy producer Dean Foods to roll out diesel-saving truck

07:13 AM CDT on Monday, June 21, 2010

By KAREN ROBINSON-JACOBS / The Dallas Morning News  
[krobinson@dallasnews.com](mailto:krobinson@dallasnews.com)

Dallas-based [Dean Foods](#) Co. and another dairy producer are testing technology that cuts diesel use on refrigeration trucks up to 40 percent by eliminating a second diesel engine.

The technology is applicable to an estimated 70,000 trucks hauling a wide variety of goods, from flowers to beer.

Dean, the nation's largest dairy producer, is scheduled to unveil today its new 21-foot truck prototype that will cut diesel fuel use per truck by 16 percent to about 5,500 gallons a year.

"That in itself is the equivalent of \$2,600 in savings in fuel and equivalent to 21,000 pounds of carbon dioxide," said Mike Ahart, vice president of transportation for Dean, which operates 1,720 refrigerated trucks with diesel motors. "With the size of the refrigeration fleet we have, 16 percent is significant."

Reducing fuel use is increasingly important to truckers across the country – not only to save money. Many scientists consider carbon dioxide emissions a major contributor to [global warming](#).

Transportation accounts for about 30 percent of all U.S. greenhouse gas emissions, according to the [Environmental Protection Agency](#). Of that, medium- and heavy-duty trucks (such as delivery fleets) account for 19.5 percent of emissions, behind light-duty trucks at 26.6 percent and passenger cars at 31.5 percent.

The American Trucking Associations' "sustainability plan" calls for reducing the carbon footprint of all vehicles by nearly a billion tons by 2018.

The savings in fuel and cash for Dean come via "temperature control" technology developed by Minneapolis-based Thermo King.

The Thermo King refrigeration system uses the truck's diesel engine to generate electricity, much as a car's engine generates energy to run the air conditioning. This eliminates the need for a second diesel engine.

Dean's prototype truck has been making daily deliveries from the company's Oak Farms plant in [Oak Cliff](#) since



**This refrigeration unit** runs off electricity generated by the truck's main engine, eliminating a second engine.

March.

Dean and Thermo King are testing and monitoring the new truck before converting more of Dean's fleet. In the southern Illinois town of Carlinville, Jay Naples of Prairie Farms Dairy Inc. took delivery this month of a hybrid truck that uses electricity for both the truck engine and the cooling unit.

Naples manages the company's fleet of about 2,000 delivery trucks. He said each of his 21-foot delivery trucks typically uses 6,400 gallons of diesel a year, including 2,600 for cooling.

With the diesel-powered cooling engine gone, "we won't have that 2,600 gallons with this new truck," said Naples, whose \$2.5 billion company has dairy operations in Oklahoma and Arkansas. The hybrid feature also cuts fuel use for the main truck engine so total diesel consumption should drop by half, he said.

Dean's trucks still use regular diesel engines because the hybrids are not widely available and cost more, said spokeswoman Liliana Esposito. She said Dean's new technology is designed to be "cost-neutral" and should not significantly raise the truck cost beyond its typical price of about \$130,000.

Neither Dean nor Thermo King had a timetable for when the next revamped truck would be added to Dean's fleet.

"We hope to add this technology to our transportation fleet quickly," said Ahart, adding that Dean generally replaces 200 of this type of delivery vehicle every year.

Scott Bates, Thermo King's North American manager of truck products, estimates there are about 350,000 refrigerated delivery trucks in the U.S and up to 20 percent can use the new technology.

"It's not the scale of the number of cars running around a city like Dallas," he said, "but it's pretty significant for our industry."



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## Court overturns judge's alfalfa seed ruling

11:04am EDT

WASHINGTON (Reuters) - The Supreme Court ruled on Monday that a federal judge had erred in prohibiting the planting of Monsanto Co's genetically modified alfalfa seed until a federal government agency completed a detailed environmental review.

By a 7-1 vote, the justices in their first decision involving genetically modified crops reversed a lower-court ruling. At issue in the case was an environmental impact study on how the Roundup Ready seed could affect nearby crops.

Environmental groups and conventional seed companies, led by Geertson Seed Farms, had sued the U.S. Agriculture Department in 2006 to force it to rescind its approval of the Monsanto alfalfa seed until it did a full environmental study.

St. Louis-based Monsanto intervened on the government's side in the case, and had appealed to the Supreme Court.

Alfalfa is the fourth-largest crop grown on about 23 million acres in the United States annually, Monsanto has said.

U.S. District Judge Charles Breyer in San Francisco issued the injunction barring the nationwide planting of the alfalfa seeds pending the environmental review. His decision was upheld by a U.S. appeals court.

In the Supreme Court's main ruling, Justice Samuel Alito said the district court had abused its discretion in barring the Agriculture Department agency from effecting a partial deregulation and in prohibiting the planting of the seeds, pending the completion of an environmental review.

Alito also said in the opinion that the judge had erred in entering the nationwide injunction against planting the seeds.

Shares of Monsanto were up 0.4 percent at \$50.57 in morning trading.

The Supreme Court case is *Monsanto v. Geertson Seed Farms*, No. 09-475.

(Reporting by [James Vicini](#), Editing by Gerald E McCormick and Lisa Von Ahn)

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Source: Daily Environment Report: News Archive > 2010 > June > 06/21/2010 > News > Air Pollution: States Back EPA Proposal to Revoke Rule On Aggregating Emissions at Industrial Plants

117 DEN A-8

### *Air Pollution*

#### **States Back EPA Proposal to Revoke Rule On Aggregating Emissions at Industrial Plants**

State regulators are backing an Environmental Protection Agency proposal to revoke a 2009 rule that they said complicates decisions as to when industrial plants need to install updated pollution controls under the new source review provisions of the Clean Air Act.

In comments on the proposal, the National Association of Clean Air Agencies said that retaining the rule, which was intended to explain how emissions can be aggregated for the purpose of deciding whether new controls were needed, "would result in greater uncertainty for permitting authorities."

Instead, states asked the agency to reinstate its prior policy requiring case-by-case determinations on new source review and to issue additional guidance for regulators.

The rule, issued in the final days of the Bush administration, told state regulators to assume various projects at an industrial facility such as a power plant, petroleum refinery, or paper mill were unrelated for the purposes of new source review if the projects occurred more than three years apart or were not "substantially related."

The rule had the effect of limiting the circumstances under which emissions would have to be aggregated, meaning it would be less likely pollution control requirements under new source review would apply.

The comment period on the proposal to revoke the 2009 rule closed June 16.

Various industry groups, including trade associations for the electric power industry, refineries, paper mills, and steel manufacturers, defended the rule, arguing it provided needed certainty as to how state regulators would apply the new source review provisions.

#### **'Substantially Related' Not Defined**

But NACAA, the association representing state air pollution regulators, said EPA never adequately defined "substantially related."

"Though the test clearly repudiates many of the factors traditionally used to evaluate whether nominally-separate changes should be aggregated, it does not clearly identify substitute factors," John Paul and William O'Sullivan, co-chairs of the association's New Source Review Committee, said in their comments. "Apparent technical or economic interconnectivity and/or a complementary relationship are offered as evidence of a substantial relationship, but are not clearly defined. The current case-by-case analysis conducted by permitting authorities under existing aggregation policy offers more certainty and clarity."

New source review requires industrial facilities such as power plants and refineries to install updated pollution controls when they expand or make modifications that increase emissions.

The Bush administration rule at 40 C.F.R. Parts 51 and 52 was intended to clarify when the requirement to install new pollution controls applied, agency officials said at the time (74 Fed. Reg. 2376).

#### **NRDC Sought Reconsideration**

The Natural Resources Defense Council petitioned EPA to reconsider the rule, and the agency in response proposed to revoke it on April 15 (75 Fed. Reg. 19,567; 60 DEN A-8, 3/31/10).

EPA has stayed the effective date indefinitely.

In other comments on the proposal, David Shaw, director of the New York State Department of Environmental Conservation Division of Air Resources, also said the aggregation rule "introduced new ambiguities."

Both New York and South Carolina urged EPA to develop formal guidance for emissions aggregation under new source review to provide state regulators with clarity on applying the policy. Terms such as "project" and "substantially related" have not been adequately defined for regulators, Myra Reece, chief of the Bureau of Air Quality in the South Carolina Department of Health and Environmental Control, said.

### **Role of Precedent Disputed**

The Bush rule "weakened aggregation analysis with the result that fewer activities would be subject to new source review, leading to increased emissions escaping review and control," John Walke, clean air programs director for the Natural Resources Defense Council, said in his comments.

Walke said the rule limiting new source review aggregation contradicted a unanimous 2006 decision from the U.S. Court of Appeals for the District of Columbia Circuit striking down an EPA rule that would have exempted from new source review any equipment replacement project with a cost less than 20 percent of the replacement cost of the whole plant (*New York v. EPA*, D.C. Cir., No. 03-1380, 3/17/06; 53 DEN A-1, 3/20/06).

That decision provided the necessary clarity for applying new source review, making additional revisions to the rule unnecessary, Walke said.

"In the absence of comments from regulating authorities that indicate problems with the historic aggregation analysis, there is no reason to revise the policy on grounds of confusion or ambiguity," he said.

The Utility Air Regulatory Group, American Forest and Paper Association, Corn Refiners Association, National Oilseed Processors Association, and the Renewable Fuels Association all rejected that argument in their comments because the Natural Resources Defense Council did not raise concerns about the aggregation rule conflicting with the *New York v. EPA* decision during its comment period.

NRDC's failure to bring up the court decision during the comment period "is on its own head, not on EPA's," Andrea Field, an attorney at Hunton & Williams representing the Utility Air Regulatory Group, which represents power plants, said in her comments.

### **Industry Supports 2009 Rule**

Rather than revoke the 2009 rule, industry groups urged EPA to either retain the guidance on new source review or develop further guidance to states on how it should be applied.

The American Petroleum Institute argued in its comments the "substantially related" test was only one of several factors to be considered by states when determining if new source review applied.

"The NSR aggregation amendments on their face did not 'require' a specific approach to aggregation but rather indicated that the aggregation decision was a case-by-case consideration of a variety of factors. Nor did the NSR aggregation amendments establish any new or changed interpretation, at least not in the sense implied by the reconsideration notice of an interpretation that narrowed the previous approach to aggregation," according to the American Petroleum Institute.

The institute called the NRDC petition for reconsideration to EPA "largely inaccurate and unsupported."

### **Clarifications Called Necessary**

Rather than revoke the aggregation rule, the American Petroleum Institute urged EPA to "develop a more consistent, transparent, and reasonable approach to the aggregation question," if the agency determines the 2009 rule was unclear.

The clarifications were necessary to prevent inconsistent or ambiguous applications of the new source review requirements, the Steel Manufacturers Association and the Specialty Steel Industry of North America said in their comments. EPA's guidance alleviated confusion on the part of regulators and provided industries with more certainty of how the regulations would be applied rather than the "ad hoc regulatory interpretations" that had previously guided new source review decisions, according to



the industry groups.

"In general, we oppose the revocation and urge EPA to maintain the regulatory relief and clarification that the agency originally provided in the aggregation amendments," the groups said.

*By Andrew Childers*

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## Roundup resistant weeds pose environmental threat

By The Associated Press

From The Associated Press

CHAMPAIGN, Ill. — When the weed killer Roundup was introduced in the 1970s, it proved it could kill nearly any plant while still being safer than many other herbicides, and it allowed farmers to give up harsher chemicals and reduce tilling that can contribute to erosion.

But 24 years later, a few sturdy species of weed resistant to Roundup have evolved, forcing farmers to return to some of the less environmentally safe practices they abandoned decades ago.

The situation is the worst in the South, where some farmers now walk fields with hoes, killing weeds in a way their great-grandfathers were happy to leave behind. And the problem is spreading quickly across the Corn Belt and beyond, with Roundup now proving unreliable in killing at least 10 weed species in at least 22 states. Some species, like Palmer amaranth in Arkansas and water hemp and marestail in Illinois, grow fast and big, producing tens of thousands of seeds.

"It's getting to be a big deal," said Mike Plumer, a 61-year-old farmer and University of Illinois agronomist who grows soybeans and cotton near the southern Illinois community of Creal Springs. "If you've got it, it's a real big deal."

When Monsanto introduced Roundup in 1976, "it was like the best thing since sliced bread," said Garry Niemeyer, who grows corn and soybeans near Auburn in central Illinois.

The weed killer, known generically as glyphosate, is absorbed through plants' leaves and kills them by blocking the production of proteins they need to grow. At the same time, the U.S. Environmental Protection Agency considers it to have little toxicity to people and animals, and aside from the plants it's sprayed on, it's less of a threat to the environment because it quickly binds to soil and becomes inactive.

Monsanto's introduction of seeds designed to survive Roundup made things even better for farmers because they could spray it on emerging crops to wipe out the weeds growing alongside them. Seeds containing Monsanto's Roundup Ready traits are now used to grow about 90 percent of the nation's soybeans and 70 percent of its corn and cotton.

With increased reliance on Roundup, herbicide use on corn decreased from 2.76 pounds an acre in 1994 to 2.06 in 2005, the most recent year for which the U.S. Department of Agriculture has data. Spread that out over the 81.8 million acres planted in 2005, and it's a decrease of more than 57 million pounds of herbicides annually.

Farmers also found they could cut back or in some cases eliminate tilling, reducing erosion and fuel use.

But with any herbicide, the more it's used, the more likely it'll run into individual plants within a species that have just enough genetic variation to survive what kills most of their relatives. With each generation, the survivors represent a larger percentage of the species.

St. Louis-based Monsanto maintains the resistance is often overstated, noting that most weeds show no sign of immunity.

"We believe that glyphosate will remain an important tool in the farmers' arsenal," Monsanto spokesman John Combest said.

That said, the company has started paying cotton farmers \$12 an acre to cover the cost of other herbicides to use alongside Roundup to boost its effectiveness.

The trend has confirmed some food safety groups' belief that biotechnology won't reduce the use of chemicals in the long run.

"That's being reversed," said Bill Freese, a chemist with the Washington, D.C.-based Center For Food Safety, which promotes organic agriculture. "They're going to dramatically increase use of those chemicals, and that's bad news."

The first weeds in the U.S. that survived Roundup were found about 10 years ago in Delaware.

Agricultural experts said the use of other chemicals is already creeping up. Monsanto and other companies are developing new seeds designed to resist older herbicides like dicamba and 2,4-D, a weed killer developed during World War II and an ingredient in Agent Orange, which was used to destroy jungle foliage during the Vietnam War and is blamed for health problems among veterans.

Dicamba and 2,4-D both easily drift beyond the areas where they're sprayed, making them a threat to neighboring crops and wild plants, Mortensen said. That, in turn, could also threaten wildlife.

"We're finding that the (wild) plants that grow on the field edges actually support beneficial insects, like bees," he said.

In Australia, weed scientist Stephen Powles has been a sort of evangelist for saving Roundup, calling it a near-miraculous farming tool.

Australia has been dealing with Roundup-resistant weeds since the mid 1990s, but changes in farming practices have helped keep it effective, Powers said. That has included using a broader array of herbicides to kill off Roundup resistant weeds and employing other methods of weed control.

Those alternative methods, such as planting so-called cover crops like rye to hold back weeds during the winter and other times when fields aren't planted with corn, soybeans or cotton, are the key, said Freese, the Center For Food Safety chemist.

Otherwise, he said, "We're talking a pesticide treadmill here. It's just coming back to kick us in the butt now with resistant weeds."

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## Herbal supplements: Natural, but not always nice

Investigators find traces of hazardous metals and misleading statements taint some herbal supplements. But a growing number of Americans say they will tap into the \$25 billion herbal supplement industry because the herbs work for them.

BY SONYA COLBERG  4

Published: June 21, 2010

Websites and labels tout herbal cures for everything from cancer to diabetes as millions of Americans chase natural remedies for their ailments.

But a new Congressional study of 40 herbal supplements revealed 37 contained traces of potentially hazardous contaminants.

Lead, arsenic, cadmium and mercury were found in the supplements, though within the government's safety levels. Sixteen of the tested supplements also contained pesticide residues, researchers found.

The study suggested that consumers were being misled about the effectiveness of some of these supplements.

The report was released just as Congress is scheduled to consider food safety legislation.

Investigators found a product label for Ginkgo biloba that said the herb "effectively treats Alzheimer's disease, depression, impotence, memory ... and more."

However, Ginkgo biloba must be taken with care, said Dr. Roger Divis, a Chandler chiropractor who said herbal medications have fewer side effects than pharmaceuticals.

The herb can't be used by people who are taking blood pressure medication because the blood can leak through the vessel walls, he warned.

And studies have shown the herb is ineffective at reducing the risk of Alzheimer's or otherwise enhancing memory, according to the investigating agency, the U.S. Government Accountability Office.

An herb helped focus the once-skeptical Suzanne Tate, a Northern Oklahoma College adjunct professor of Spanish.

"I'm the ultimate absent-minded professor," she said. "I didn't have problems with Spanish. It was the little things like where did I put my pen? Where'd I put my grade book?"

Then she began taking a product containing nattokinase from soy.

"When we started taking these, I noticed immediately that my brain function improved," she said.

Tate said she and her husband, Jeff, also a professor, began taking herbal remedies to keep various ailments at bay about three years ago. One reason they teach during the summer is so they can spend several thousand dollars yearly on these herbals and they couldn't be happier.

"They're amazing," Suzanne Tate said.

Another popular herbal, ginseng, also contained labels with questionable claims. A label stated ginseng possesses a "Powerful Anti-cancer Function" and can prevent diabetes, the researchers found.

Mark Maxey, a Western and Eastern medicine patient and Oklahoma City legal assistant, said people must listen to doctors and do some research before taking herbals.

"I would think the American Diabetes Association and the Juvenile Diabetes Association would have had a major news release if they had a cure for diabetes," he said. "One has to be logical."

The National Institutes of Health found no clear evidence showing that ginseng can prevent cancer or cardiovascular diseases. The researchers said the supplement may lower blood sugar levels in patients with type 2 diabetes but the long-term effects are not clear.

The NIH also recommends that breast and uterine cancer patients avoid the product because it may react adversely with some cancer drugs.

Divis said it's risky to take herbal supplements and any prescription drug without a doctor's approval.

Federal investigators also went undercover over six months to visit and call stores and websites selling herbal products. The agency didn't list the names of stores or products but noted several instances where sellers gave misleading statements.

One seller told an undercover investigator that Ginkgo biloba is completely safe because it's all natural and can be taken with aspirin. But the U.S. Food and Drug Administration warns that taking the two together can increase bleeding risk.

"Just because they're natural doesn't mean that they can't harm you. That's a misconception that can kill you if you're not careful," Divis said.

Other sellers told undercover agents that a combined supplement could prevent or control high cholesterol and high blood pressure, and another supplement could prevent Alzheimer's. But dietary supplements can't be sold to treat, prevent or cure any disease,

the FDA states.

"Everything you buy is very much a buyer beware situation," said Sharon Lee, an Oklahoma City software quality assurance expert who has stocked her medicine cabinet with herbal medicines for the past decade.

"The sales ladies ... are not medical professionals. You need to read the label."

She said labeling problems linked to herbal supplements are similar to the Children's Tylenol recalled in 2005 because of confusing labeling that could have led to overdosing.



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# Rep. Michael Burgess walks a line on criticizing environmental agency, election-year politics

12:00 AM CDT on Sunday, June 20, 2010

By MELANIE MASON / The Dallas Morning News  
[mmason@dallasnews.com](mailto:mmason@dallasnews.com)

WASHINGTON – When news broke last month that the Texas Commission on Environmental Quality failed to notify the public about the possibility of toxic emissions from gas drilling wells in Fort Worth, U.S. Rep. Michael Burgess, R-Lewisville, came out swinging, calling for the state attorney general to investigate.

The rebuke was notable because it came from a high-ranking Republican just as Democrats were criticizing GOP leaders over the environmental agency. But five days later, Burgess retracted his call for an investigation and softened his tone significantly.

Burgess said he faced no political pressure to change his position, but the episode reflects the fine line the congressman must walk. His constituents are increasingly concerned about the health effects of urban gas drilling, but in an election season, Republicans are seeking to blunt political criticism over the issue, particularly in the highly charged race between Republican Gov. Rick Perry and Democrat Bill White.

Burgess said his job was simply to help the state environmental agency "restore its credibility, and that's what I'm trying to do."

But White's campaign seized on the apparent split between Perry and Burgess, releasing a statement that described "Rick Perry's TCEQ" as under fire. As proof, the campaign offered Burgess' call for the investigation.

Complicating matters for Burgess is that he was a vocal supporter of Perry's Republican primary opponent, Sen. Kay Bailey Hutchison.

But the political concern over air quality in the Barnett Shale region has been felt at the local level, too. Last month, Flower Mound voters elected three Town Council members who promised to slow drilling. The council promptly voted to halt new drilling activity for the summer.

High levels of benzene

In a January presentation to Fort Worth city leaders, agency officials said their data showed no traces of toxic chemicals such as benzene.

But when the samples were retested with more sensitive equipment, the cancer-causing chemical was found at high enough levels to trigger a more thorough review. The agency did not alert public officials or the media to the new results, an internal audit showed.

The agency, Burgess said then, "must focus its efforts on correcting those grievous mistakes and earning the public's trust. I believe that a robust investigation by the Texas attorney general's office would be appropriate."

The language aligned Burgess, a conservative who has long advocated drilling in the Barnett Shale, with Democrats and environmentalists.

"It's a bellwether of just how bad things have gotten at the TCEQ when a representative with good conservative credentials like Burgess is coming out and saying the agency is broken," said Andy Stone, an Austin-based organizer with consumer protection group Public Citizen.

Said state Sen. Wendy Davis, D-Fort Worth: "I'm pleased to have him join the call for action."

Some fellow Republicans found Burgess' reaction puzzling.

"Had Burgess known or seen or suspected something nefarious, I would've seen some justification in his statement," said Mel LeBlanc, a Republican City Council member from Arlington and a vocal drilling advocate. "But he came on a little too strong against" the environmental agency.

A few days after he issued the statement, Burgess spoke with Bryan Shaw, the environmental commission's chairman. Shaw said they spoke about the agency's data-gathering and disclosure processes but not Burgess' call for an investigation. Burgess described the meeting as "cordial."

The same day, Burgess met with Dish Mayor Calvin Tillman, whose opposition to urban drilling has raised his national profile.

"He was very much supportive of an investigation taking place," Tillman said of Burgess. "I don't know why he would've backed off of that position."

No AG involvement

The next day, Burgess backed away from calling for the attorney general's involvement. He noted in a written statement that the state Sunset Advisory Commission, which evaluates state agencies for effectiveness, would review the environmental commission next year.

"I do not believe there needs to be duplicative efforts by multiple agencies reviewing TCEQ," he said.

Burgess said that one reason he changed his mind is because of the attorney general's role as the lawyer for state agencies.

"So clearly there's a conflict of interest there, where the AG's office cannot be the investigating body," the congressman said.

Wilson, the Public Citizen advocate, said relying on the sunset commission is a way to tone down pressure on the agency.



"It's a way to use a velvet glove on this instead of a sledgehammer," Wilson said. "And that, frankly, makes a lot of people happy who have a vested interest in keeping the TCEQ running more or less the way it has been."

Burgess spokeswoman Lauren Bean strongly denied any political reason for the congressman's change of heart.

"No one persuaded us to do anything in any way," she said. "This was all our own doing ... without any pressures from anyone."

But the political cross-currents are strong. Tension between Perry and the federal Environmental Protection Agency over its crackdown on Texas air pollution has escalated in recent weeks. Perry has framed the issue as federal overreach, but White says the episode reflects mismanagement by the governor.

"The governor has confidence in TCEQ's oversight of our state's air quality," said spokeswoman Allison Castle. "He expects the agency to provide accurate and timely information" about emissions from Barnett Shale drilling.

While Burgess has toned down the rhetoric, he has not backed off entirely. On June 9, he sent a letter to the Sunset Advisory Commission, describing the environmental agency's internal audit as "alarming to both me and the men and women" living in his district.

Burgess also asked to testify before the commission in a hearing this fall.

As for his political standing, Burgess acknowledged that he's not close to the governor.

"We don't talk much," Burgess said.

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## Casino city bans bicycling in town

By The Associated Press  2

Published: June 20, 2010

**DENVER** — The gambling town of Black Hawk has prohibited touring bicyclists from pedaling while in town, becoming what's thought by cycling advocates to be the nation's only city with such a law.

Bicycle advocacy groups are gearing up to challenge the law.

"The danger here is the precedent," Dan Grunig of Bicycle Colorado, an advocacy group, said Thursday. "We don't believe it's right or legal and we want to make sure it's addressed before it's spread any further."

Black Hawk began enforcing its ordinance and issuing \$68 tickets on June 5, five months after it passed the law requiring bicyclists to dismount and walk their two-wheelers through the town of about 100 residents. Black Hawk City Manager Michael Copp said eight citations have been issued so far.

"At this point the council has no intention of repealing the ban," Copp said. "They believe their actions are what's best for it's citizens in Black Hawk, which are casinos and their patrons."

Copp, who said he's not a bicyclist, said the council passed the ordinance after the town experienced a surge in traffic — buses, delivery trucks, and motorists — that followed a law that increased the maximum gambling betting limits from \$5 to \$100. Copp said there were no accidents that prompted the law, just concern over conflicts between vehicles and bicycles.

Black Hawk's ban comes around the time a report commissioned by Congress found an upward trend in people walking and bicycling for transportation. The report also found that 11.9 percent of reported trips were taken by foot or bicycle, up from 7.9 percent 20 years ago.

Charlie Zegeer, Director of the U.S. Department of Transportation-funded Pedestrian and Bicycling Information Center at the University of North Carolina, said communities concerned about safety provide alternate routes. Black Hawk's bicycle ban only applies to the narrow thoroughfares in town that are lined with historic buildings and casinos.

Grunig's group, which claims 7,000 members statewide, has appealed to national groups for help.

# DesMoinesRegister.com

## Ethanol producers criticize EPA delay on blend decision

By DAN PILLER • dpiller@dmreg.com • June 19, 2010

Faced with what they call the profit-robbing "blend wall," ethanol producers and their political supporters Friday reacted angrily to news that the U. S. Environmental Protection Agency will delay until fall a decision on increasing the blending limit with gasoline from 10 percent to 15 percent.

The so-called "E15" blend would add another 7 billion gallons of demand for ethanol at a time when producers say they are nearing the blend wall of the maximum allowable use of 10 percent of the 130 billion gallons of gasoline Americans use each year.

"We find that unacceptable," Growth Energy CEO Tom Buis said in a conference call Friday. The EPA had delayed its original decision deadline last year until mid-2010, only to extend the delay Thursday into fall.

Buis said the EPA's stated need for more study "is simply a delay tactic, which is common in Washington when people don't want changes."

The increase in the allowable blend has attracted opposition from automobile makers, small engine makers and boaters.

Buis, whose organization represents Poet and other ethanol producers, said it would try to use its leverage in Congress to get action but didn't provide specifics.

Ethanol producers have seen the gap between the prices of ethanol and unblended unleaded gasoline widen in recent weeks as production projections exceed 12 billion gallons this year. On Friday, ethanol futures traded at a 53-cents-per-gallon discount to the \$2.15-per-gallon price of unleaded gasoline.

The EPA said Thursday that tests on various engines so far "look good" but the U.S. Department of Energy needed more time to complete tests on the engines of vehicles built after 2007.

"We feel we have submitted enough data to support the waiver to E15," Buis said.

Ethanol producers felt that E15 was a sure thing last

year after the inauguration of President Barack Obama, a renewable fuels supporter in his U.S. Senate days and whose advocacy of ethanol helped him win the 2008 Iowa caucuses and carry the state in the November election.

Iowa is the nation's No. 1 ethanol-producing state, with 39 plants and capacity for about one-third of the 12 billion gallons produced annually in the United States. Ethanol demand is credited with adding at least \$1 per bushel to the price of corn.

Gov. Chet Culver said Friday: "I am troubled this is the second delay we have seen in this process, which leaves corn producers, ethanol producers and ultimately consumers up against the 'blend wall' for several more months."

State Sen. Jack Kibbie, D-Emmetsburg, a strong proponent of biofuels and whose hometown has an ethanol plant, said "the EPA has missed its own deadline for deciding whether an increase from the current 10 percent ethanol blend for auto fuels should be increased to 15 percent. I think the facts demonstrate that using more ethanol not only would be allowed under the Clean Air Act but would help reduce our dependence on oil."

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**Southlake Restoration and Remodeling**

## **Southlake Restoration and Remodeling Earns Lead Safe Certification from EPA**

### **Southlake remodeler among first to be certified**

06.18.2010 – Southlake Restoration and Remodeling, a leading home renovation company in North Texas, has received Lead Safe Certification from the U.S. Environmental Protection Agency (EPA).

“Our intent is to protect families,” said Gary Rae, president, Southlake Restoration and Remodeling, “The so we decided it was critical to earn this certification for the safety of homeowners in North Texas.

In April, the EPA implemented sweeping new safety rules designed to protect homeowners from lead-based paint dangers that may be present in homes built before 1978, when lead paint was banned for residential use. Two years in the making, the rules are the first federal regulations in the remodeling industry, and they will affect almost all work performed in older homes where paint is disturbed.

According to the EPA, for any remodeling work greater than six square feet on houses built prior to 1978, remodelers will be required to have this EPA certification. Lead dust can easily be stirred up during renovations of homes built before 1978, leading the EPA to its recent regulation

“This certification should give peace of mind to our customers,” said Rae, “that we are able to safely contain lead in a home as it is being disturbed and reduce exposure to people and pets.”

“It’s more than a good idea –now it’s the law.”

Homeowners should make sure any contractor or company renovating or remodeling their home is certified by the EPA.

Southlake Restoration and Remodeling ([www.southlakerr.com](http://www.southlakerr.com)) serves Southlake, Trophy Club, Colleyville, Keller, Grapevine, Frisco, McKinney and Dallas/Fort Worth. Homeowners can follow the company’s projects and learn about remodeling, building or buying a home at [buildandbuy.blogspot.com](http://buildandbuy.blogspot.com).

Southlake Restoration and Remodeling provides home renovations throughout the north Texas area, serving Tarrant County, one of the fastest growing urban counties in the United States. Southlake Restoration and Remodeling is affiliated with Rae-Waldman Homes ([www.raewaldmanhomes.com](http://www.raewaldmanhomes.com)) a builder of custom homes for discriminating clients at an affordable price. Rae-Waldman Homes serves Southlake, Trophy Club, Keller, Forney, Frisco and DFW Metroplex.

Contact: Gary Rae, President 817. 676. 7958 or 817.946.8065

<http://buildandbuy.blogspot.com/p/press-releases-news-about.html>

### **News Facts**

EPA estimates 24 percent of homes built between 1960 and 1978 and more than 35% of all houses in the US contain lead,  
Remodelers now required to have EPA certification.  
Homeowners should make sure any contractor or company renovating or remodeling their home is certified by the EPA.

### **Resource Links**

None

### **More Southlake Restoration and Remodeling News**

[Southlake Restoration and Remodeling Earns Lead Safe Certification from EPA](http://www.pitchengine.com/southlake-restoration-and-remodeling-earns-lead-safe-certification-from-epa/63094/)  
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#### **Southlake Restoration and Remodeling**

Southlake Restoration and Remodeling ([www.southlakerr.com](http://www.southlakerr.com)) serves Southlake, Trophy Club, Colleyville, Keller, Grapevine, Frisco, McKinney and Dallas/Fort Worth. Homeowners can follow the company's projects and learn about remodeling, building or buying a home at [buildandbuy.blogspot.com](http://buildandbuy.blogspot.com).

Southlake Restoration and Remodeling provides home renovations throughout the north Texas area, serving Tarrant County, one of the fastest growing urban counties in the United States. Southlake Restoration and Remodeling is affiliated with Rae-Waldman Homes ([www.raewaldmanhomes.com](http://www.raewaldmanhomes.com)) a builder of custom homes for discriminating clients at an affordable price. Rae-Waldman Homes serves Southlake, Trophy Club, Keller, Forney, Frisco and DFW Metroplex.